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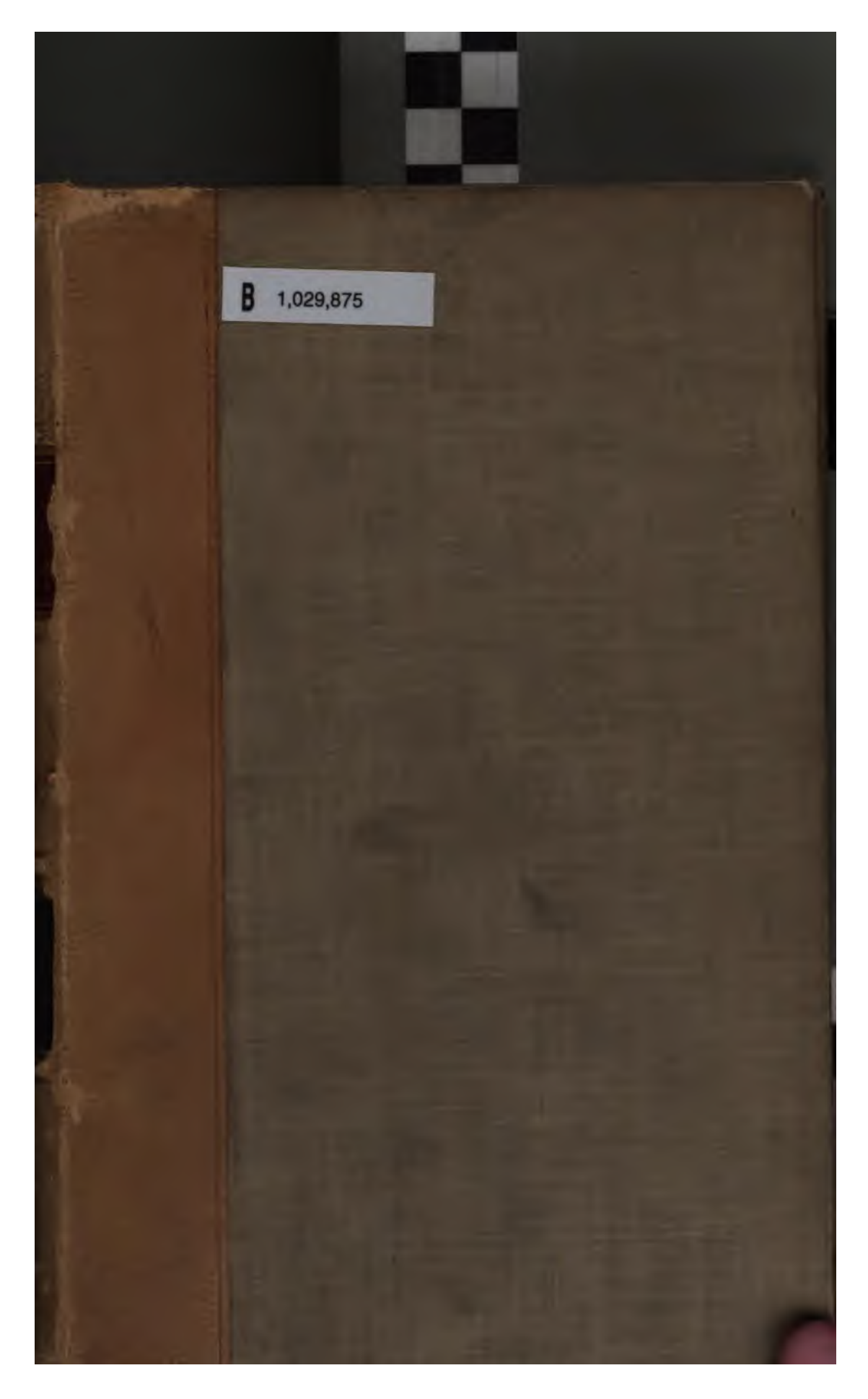
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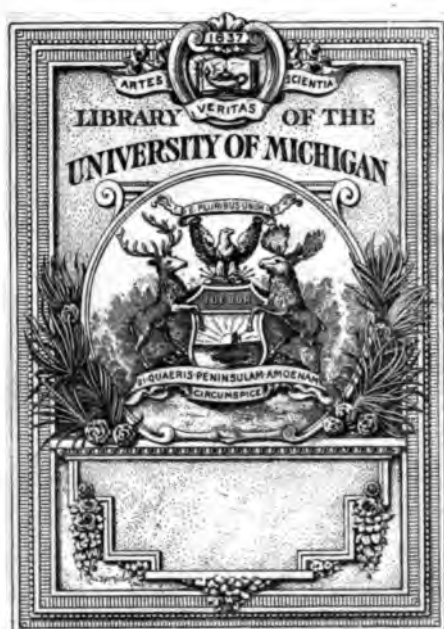
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
ANNUAL AND EXTRA SESSIONS OF 1851.
TOGETHER WITH THE
REVISED CONSTITUTION
AND
AN APPENDIX,
CONTAINING
THE STATE TREASURER'S ANNUAL REPORT, &c.



BY AUTHORITY.

LANSING :
R. W. INGALS, STATE PRINTER.
.....
1851.

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1851

NAMES

Of the Governor, Lieut. Governor, Senators and Representatives in Office at the time
of the passage of the Laws contained in this Volume.

JOHN S. BARRY, GOVERNOR.

SENATE.

WILLIAM M. FENTON,

LIEUTENANT GOVERNOR, AND PRESIDENT OF THE SENATE.

DISTRICT.	SENATORS.	COUNTIES.
First District, - - - -	Andrew Harvie,	Wayne,
" "	Henry C. Kibbee,	Macomb,
" "	Titus Dort,	Wayne,
" "	Joseph T. Copeland,	St. Clair.
Second District, - - -	N. G. Isbell,	Livingston,
" "	Michael Shoemaker,	Jackson,
" "	B. Case,	Washtenaw,
" "	George Danforth,	Washtenaw.
Third District, - - - -	Alfred French,	Branch,
" "	Isaac P. Christiancy,	Monroe,
" "	H. S. Mead,	Hillsdale,
" "	John Barber,	Lenawee.
Fourth District, - - -	Henry H. Riley,	St. Joseph,
" "	Philotus Hayden,	Van Buren.
Fifth District, - - - -	Charles Dickey,	Calhoun,
" "	Geo. Thomas,	Kalamazoo.
Sixth District, - - - -	Elijah J. Roberts,	Houghton,
" "	Samuel Axford,	Oakland,
" "	Noah Beach,	Saginaw,
" "	John P. LeRoy,	Oakland.
Seventh District, - - -	John Bowne,	Barry,
" "	David Sturgis,	Clinton.

HOUSE OF REPRESENTATIVES.

JEFFERSON G. THURBER, OF MONROE, SPEAKER.

NAMES.	COUNTIES.	NAMES.	COUNTIES.
John Bacon,	Chippewa.	Noah H. Hart,	Lapeer.
John L. Balcombe,	Calhoun.	M. W. Hicks,	Oakland.
Elias J. Baldwin,	Lenawee.	John P. Hitchings,	Jackson.
Eleazer Barnes,	Monroe.	Sardes F. Hubbell,	Oakland.
Charles N. Beecher,	Genesee.	Benjamin F. Hyde,	Wayne.
Calvin Britaid,	Berrien.	John D. Irvine,	Mackinac.
John W. Butterfield,	Berrien.	E. C. Kimberly,	Shiawassee.
Alanson Calkins,	Tuscola.	S. L. Lawrence,	Branch.
D. L. Case,	Ionia.	George Martin,	Wayne.
S. M. Case,	Livingston.	Jarvis E. Marvin,	Washtenaw.
George Chandler,	Macomb.	Joseph P. Minne,	St. Clair.
A. W. Childs,	Lenawee.	W. R. Montgomery,	Hillsdale.
Thomas B. Church,	Kent.	A. H. Moore,	St Joseph.
Darius Clark,	Calhoun.	H. M. Moore,	Montcalm.
David Clark,	Clinton.	James Patterson,	Oakland.
Wm. L. Clyburn,	Cass.	Nathan Pierce,	Calhoun.
Patrick Corrigan,	Monroe.	Roland Root,	Branch.
Lewis M. Covert,	Oakland.	James Sexton,	Wayne.
George Crane,	Lenawee.	Jonathan Shearer,	Wayne.
Sanford H. Corbin,	Macomb.	George Sherwood,	Cass.
John S. Crosman,	Ingham.	David Shook,	Macomb.
Henry Darling,	Lenawee.	James L. Smith,	St. Clair.
Barney Earl,	Kalamazoo.	Ezra Stetson,	Kalamazoo.
Jerome B. Eaton,	Jackson.	Aaron D. Truesdell,	Washtenaw.
Levi Eaton,	Wayne.	Oka Town,	Allegan.
Joseph S. Fenton,	Genesee.	John W. Turner,	Saginaw.
Thomas W. Ferry,	Ottawa.	Hiram Voorhies,	Oakland.
Morgan L. Fitch,	Van Buren.	Jonathan G. Waite,	St. Joseph.
Ralph Fowler,	Livingston.	Pascal D. Warner,	Oakland.
Thomas Gray,	Lenawee.	William Warner,	Washtenaw.
Charles Gregory,	Hillsdale.	Freeman C. Watkins,	Jackson.
Alfred B. Gulley,	Wayne.	Calvin Wheeler,	Washtenaw.
Horatio Hall,	Eaton.	John K. Yocum,	Washtenaw.
Salmon C. Hall,	Barry.		

CONSTITUTION OF MICHIGAN.

The People of the State of Michigan do ordain this Constitution:

ARTICLE I.

BOUNDARIES.

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay shall intersect the same—said point being the north-west corner of the State of Ohio, as established by act of Congress, entitled “an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed,” approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal to the head waters thereof; thence in a direct line to the centre of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the river Brule to the main channel of the

Territory
over which
the State of
Michigan
has jurisdic-
tion.

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Menominee river; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the northern boundary line of the said State of Indiana to the north-east corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

ARTICLE II.

SEAT OF GOVERNMENT.

Seat of government. § 1. The Seat of Government shall be at Lansing, where it is now established.

ARTICLE III.

DIVISION OF THE POWERS OF GOVERNMENT.

Division of powers of government. § 1. The powers of government are divided into three departments: the Legislative, Executive and Judicial.

No person belonging to one department shall exercise powers of another. § 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Legislative department. § 1. The legislative power is vested in a Senate and House of Representatives.

Senate. § 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two inclusive; each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators.

House of Representatives. § 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each Representative district shall contain, as nearly as may be, an equal number of white inhabitants, and civilized persons of Indian descent, not

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members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a Representative district. When any township or city shall contain a population which entitles it to more than one Representative, then such township or city shall elect by general ticket the number of Representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate Representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one Representative, the board of supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into Representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county a description of such Representative districts, specifying the number of each district, and the population thereof, according to the last preceding enumeration.

§ 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter, and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts and apportion anew the Representatives among the counties and districts, according to the number of white inhabitants and civilized persons of Indian descent, not members of any tribe. Each apportionment and the division into Representative districts, by any board of supervisors, shall remain unaltered until the return of another enumeration.

§ 5. Senators and Representatives shall be citizens of the United States, and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

§ No person holding any office under the United States [or this State,] or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature; and all votes given for any such person shall be void.

Privilege of Senators & Representatives. § 7. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

Majority of each house to constitute a quorum. § 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

Powers of each house. § 9. Each house shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election. The reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

Rules—expulsion of members.

Each house to keep journal. § 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

Elections viva voce. § 11. In all elections by either house or in joint convention the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

Yeas & nays

Doors to be open—adjournment. § 12. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

Bills § 13. Bills may originate in either house of the Legislature.

§ 14. Every bill and concurrent resolution, except of adjournment, passed by the Legislature, shall be presented to the Gover-

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nor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session; and the same shall become a law.

§ 15. The compensation of the members of the Legislature shall be three dollars a day for actual attendance and when absent on account of sickness, for the first sixty days of the session of the year one thousand eight hundred and fifty-one, and for the first forty days of every subsequent session, and nothing thereafter. When convened in extra session their compensation shall be three dollars a day for the first twenty days, and nothing thereafter; and they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route; and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this constitution.

§ 16. The Legislature may provide by law for the payment of

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postage on all mailable matter received by its members and officers during the sessions of the Legislature, but not on any sent or mailed by them.

Compensation of President of Senate & Speaker of House
 § 17. The President of the Senate and the Speaker of the House of Representatives shall be entitled to the same per diem compensation and mileage as members of the Legislature, and no more.

No member to receive civil appointment nor be interested in contract with the State.
 § 18. No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and Senate, from the Legislature, or any other State authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

Bills and resolutions to be read three times.
 § 19. Every bill and joint resolution shall be read three times each house, before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, and entered on the journal.

Ayes and noes on final passage.
 § 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each house.

No law to embrace but one object.
 § 21. The Legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

When acts to take effect.
 § 22. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper and printing for the executive departments, and all other printing ordered by the Legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor;

Legislature not to grant extra compensation to officers, &c.

Fuel, stationery, printing, &c., to be let by contract.

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and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the Legislature nor officer of the State, shall be interested directly or indirectly in any such contract.

§ 23. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways, or any street in any city or village, or in any recorded town plat.

Legislature not to authorize sale or conveyance of real estate nor vacate any road.

§ 24. The Legislature may authorize the employment of a chaplain for the State prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

Chaplain for state prison; not for legislature.

§ 25. No law shall be revised, altered or amended by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length.

Acts altered or amended to be re-enacted and published at length.

§ 26. Divorces shall not be granted by the Legislature.

Divorces.

§ 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

Lotteries.

§ 28. No new bill shall be introduced into either house during the last three days of the session, without the unanimous consent of the house in which it originates.

No bill to be introduced during last three days of session.

§ 29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage, who is declared to be entitled to a seat by the house in which the contest takes place.

Contested elections.

§ 30. No collector, holder, nor disburser of public moneys, shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

Collectors and holders of public money ineligible to office.

§ 31. The Legislature shall not audit nor allow any private claim or account.

Private claims.

§ 32. The Legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

Hour of adjournment.

§ 33. The Legislature shall meet at the seat of government on the first Wednesday in February next, and on the first Wednesday

Meeting of legislature.

CONSTITUTION OF MICHIGAN.

in January of every second year thereafter, and at no other place or time, unless as provided in this constitution.

Election of
Senators &
Representa-
tives in 1852
and thereaf-
ter.

§ 34. The election of Senators and Representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

State paper.

Compensa-
tion for pub-
lishing laws

§ 35. The Legislature shall not establish a State paper. Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage, shall be entitled to receive a sum not exceeding fifteen dollars therefor.

Publication
of statutes
and deci-
sions.

§ 36. The Legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Vacancies.

§ 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

Local legis-
lation.

§ 38. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

Religious
liberty.

§ 39. The Legislature shall pass no law to prevent any person from worshipping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion.

No money
drawn from
treasury for
religious
purposes.

§ 40. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purposes.

Rights of
opinion.

§ 41. The Legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion.

Liberty of
speech and
press.

§ 42. No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak,

write and publish his sentiments on all subjects, being responsible for the abuse of such right,

§ 43. The Legislature shall pass no bill of attainder, ex-post facto ^{Attainder.} law, or law impairing the obligation of contracts.

§ 44. The privilege of the writ of habaas corpus remains and ^{Habeas corpus.} shall not be suspended by the Legislature, except in case of rebellion or invasion the public safety require it.

§ 45. The assent of two-thirds of the members elected to each ^{Bills appropriating money.} house of the Legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

§ 46. The Legislature may authorize a trial by a jury of a less ^{Trial by jury.} number than twelve men.

§ 47. The Legislature shall not pass any act authorizing the ^{Licenses.} grant of license for the sale of ardent spirits or other intoxicating liquors.

§ 48. The style of the laws shall be "The people of the State of ^{Style of laws.} Michigan enact."

ARTICLE V.

EXECUTIVE DEPARTMENT.

§ 1. The Executive power is vested in a Governor, who shall hold ^{Governor and Lt. governor.} his office for two years. A Lieutenant Governor shall be chosen for the same term.

§ 2. No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

§ 3. The Governor and Lieutenant Governor shall be elected at ^{How elected} the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor, shall be elected. In case two or more persons shall have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint vote, choose one of such persons.

§ 4. The Governor shall be Commander-in-Chief of the military ^{Power of Governor.} and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repel invasions.

Executive
business.

§ 5. He shall transact all necessary business with officers of government, and may require information, in writing, from the officers of the Executive department, upon any subject relating to the duties of their respective offices.

Execution
of laws.
Convening
the legisla-
ture.

§ 6. He shall take care that the laws be faithfully executed.

§ 7. He may convene the Legislature on extraordinary occasions.

Messages.

§ 8. He shall give to the Legislature, and at the close of his official term to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

May con-
vene the le-
gislature at
other place
than capi-
tol.

§ 9. He may convene the Legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

Writs of
election.

§ 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

Reprieves
and par-
dons.

§ 11. He may grant reprieves, commutations and pardons after convictions, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

Vacancy,
&c.

§ 12. In case of the impeachment of the Governor, his removal from office, death, inability, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability ceases. When the Governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

Vacancy;
how filled.

§ 13. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign, be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the Pre-

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ident *pro tempore* of the Senate shall act as Governor, until the vacancy be filled, or the disability cease.

§ 14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

Lt. govern'r to be president of Senate.

§ 15. No member of Congress, nor any person holding office under the United States, or this State, shall execute the office of Governor.

U. S. officer ineligible to office of governor.

§ 16. No person elected Governor or Lieutenant Governor, shall be eligible to any office or appointment from the Legislature, or either house thereof, during the time for which he was elected. All votes for either of them, for any such office, shall be void.

Governor &c. not to receive appointment from legislature.

§ 17. The Lieutenant [Governor] and President of the Senate *pro tempore*, when performing the duties of Governor, shall receive the same compensation as the Governor.

Compensation.

§ 18. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the Great Seal of the State, which shall be kept by the Secretary of State.

Great seal.

§ 19. All commissions issued to persons holding office under the provisions of this constitution, shall be in the name and by the authority of the people of the State of Michigan, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Commissions; how issued.

ARTICLE VI.

JUDICIAL DEPARTMENT.

§ 1. The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the Legislature in cities.

Judicial power.

§ 2. For the term of six years, and thereafter, until the Legislature otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a supreme court, with the jurisdiction and powers

Supreme court.

prescribed in this constitution, to consist of one chief justice and three associate justices, to be chosen by the electors of the State. Such supreme court, when so organized, shall not be changed or discontinued by the Legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. Their term of office shall be eight years.

- Powers.** § 3. The supreme court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.
- Terms.** § 4. Four terms of the supreme court shall be held annually, at such times and places as may be designated by law.
- Rules, &c.** § 5. The supreme court shall, by general rules, establish, modify and amend the practice in such court and in the circuit courts, and simplify the same. The Legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.
- Masters in chancery prohibited.**
- Judicial circuits.** § 6. The State shall be divided into eight judicial circuits; in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified.
- Alteration.** § 7. The Legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this constitution for judges of the circuit court.
- Powers, &c.** § 8. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari and other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and tribunals within their respective jurisdictions.

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§ 9. Each of the judges of the circuit courts shall receive a salary Salary of judges. payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the Legislature or the people, shall be void.

§ 10. The supreme court may appoint a reporter of its decisions. Reporter of decisions. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom, shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The judges of the circuit court, within their respective jurisdictions, may fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the supreme court, or circuit court, shall exercise any other power of appointment to public office. Vacancies; how filled.

§ 11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law. Terms of circuit courts.

§ 12. The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county, and of the supreme court, when held within the same. Clerk of circuit court.

§ 13. In each of the counties organized for judicial purposes, there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years; and until his successor is elected and qualified. The jurisdiction, powers and duties of such court shall be prescribed by law. Courts of probate.

§ 14. When a vacancy occurs in the office of judge of the supreme, circuit or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term. Vacancies; how filled.

§ 15. The supreme court, the circuit and probate courts of each county, shall be courts of record, and shall each have a common seal. Courts of record.

Circuit
court com-
missioners.

§ 16. The Legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers, not exceeding those of a judge of the circuit court chambers.

Justices of
the peace;
how elected,
&c.

§ 17. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justices in cities.

Jurisdiction
of justices.

§ 18. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by the Legislature.

Conservators
of the
peace.

§ 19. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions.

Election of
circuit
judges.

§ 20. The first election of judges of the circuit courts, shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made to hold the subsequent election of such additional judges at the regular election herein provided.

Election of
judges of
probate.

§ 21. The first election of judges of the probate courts shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

What deemed
vacancy.

§ 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices.

§ 23. The Legislature may establish courts of conciliation, with such powers and duties as shall be prescribed by law. Courts of conciliation.

§ 24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice. Suitors may appear by attorney or in person.

§ 25. In all prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous, is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact. Libels; truth may be given in evidence.

§ 26. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things, shall issue without describing them, nor without probable cause, supported by oath or affirmation. Security from search and seizure.

§ 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties, in such manner as shall be prescribed by law. Right of trial by jury.

§ 28. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defence. Accused to have speedy trial, &c.

§ 29. No person, after acquittal upon the merits, shall be tried for the same offence; all persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great. Acquittal upon merits.

§ 30. Treason against the State shall consist only in levying war against [it,] or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court. Treason.

§ 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted, nor shall witnesses be unreasonably detained. Bail, &c.

No person
compell'd to
testify a-
gainst him-
self.

§ 32. No person shall be compelled, in any criminal case, to be witness against himself, nor be deprived of life, liberty or property without due process of law.

Imprisonm't
for debt.

§ 33. No person shall be imprisoned for debt arising out of a contract founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in an professional employment. No person shall be imprisoned for a militia fine in time of peace.

Competency
of witnesses.

§ 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Style of pro-
cess.

§ 35. The style of all process shall be: "In the name of the people of the State of Michigan."

ARTICLE VII.

ELECTIONS.

Qualifica-
tion of elec-
tors.

§ 1. In all elections every white male citizen, every white male inhabitant residing in the State on the twenty-fourth day of June, or thousand eight hundred and thirty-five; every white male inhabitant residing in this State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote but no citizen or inhabitant shall be an elector, or entitled to vote any election, unless he shall be above the age of twenty-one year and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election.

Votes to be
by ballot.

§ 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

Privilege of
electors
from arrest.

§ 3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at an election, and in going to and returning from the same.

From mili-
tia duty.

§ 4. No elector shall be obliged to do militia duty on the day of an election except in time of war or public danger, or attend court as a juror or

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§ 5. No elector shall be deemed to have gained or lost a residence, Residence of electors. by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum at public expense; nor while confined in any public prison.

§ 6. Laws may be passed to preserve the purity of elections, and Purity of elections. guard against abuses of the elective franchise.

§ 7. No soldier, seaman, nor marine in the army or navy of the Soldiers, &c. not residents United States, shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same.

§ 8. Any inhabitant who may hereafter be engaged in a duel, Duelling disqualifies from office and from elective franchise. either as principal, or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this State, and shall not be permitted to vote at any election.

ARTICLE VIII.

STATE OFFICERS.

§ 1. There shall be elected at each general biennial election a Sec- State officers elected. retary of State, a Superintendent of Public Instruction, a State Treasurer, a Commissioner of the Land Office, an Auditor General, and an Attorney General, for the term of two years. They shall keep their Where to keep their offices. offices at the seat of government, and shall perform such duties as may be prescribed by law.

§ 2. Their term of office shall commence on the first day of Janu- Term of office. ary, one thousand eight hundred and fifty-three, and of every second year thereafter.

§ 3. Whenever a vacancy shall occur in any of the State offices, Vacancy; how filled. the Governor shall fill the same by appointment, by and with the advice, and consent of the Senate, if in session.

§ 4. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute a board of State auditors to Board of S. Auditors. examine and adjust all claims against the State, not otherwise provided for by general law. They shall constitute a board of State Can- To be state canvassers. vassers to determine the result of all elections for Governor, Lieuten-

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ant Governor and State officers, and of such other officers as shall by law be referred to them.

In case of a tie, legislature to make choice.

§ 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of State canvassers, the Legislature, in joint convention, shall choose one of said persons to fill such office. When the determination of the board of State canvassers is contested, the Legislature, in joint convention, shall decide which person is elected.

ARTICLE IX:

SALARIES.

Salaries

§ 1. The Governor shall receive an annual salary of one thousand dollars; the Judges of the Circuit Court shall each receive an annual salary of one thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Auditor General shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites, whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

ARTICLE X.

COUNTIES.

Counties to be bodies corporate.

§ 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings, by or against a county, shall be in the name thereof.

Not to be reduced to less than sixteen townships.

§ 2. No organized county shall ever be reduced, by the organization of new counties, to less than sixteen townships, as surveyed by the United States, unless, in pursuance of law, a majority of electors residing in each county to be affected thereby shall so decide. The Legislature may organize any city into a separate county, when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of

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a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

§ 3. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same. County officers.

§ 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds, shall hold their offices at the county seat. Offices at Co. seat.

§ 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts. Sheriff to hold no other office. To give security.

§ 6. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall prescribed by law. Board of supervisors.

§ 7. Cities shall have such representation in the board of supervisors of the counties in which they are situated, as the Legislature may direct. Cities to be represented in board.

§ 8. No county seat, once established, shall be removed, until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law. County seats; how removed.

§ 9. The board of supervisors of any county may borrow or raise by tax one thousand dollars, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon. Board of supervisors may borrow money for highways, &c.

§ 10. The board of supervisors, or, in the county of Wayne, the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against, their respective counties; and the sum so fixed or defined shall be subject to no appeal. In county of Wayne.

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Board of supervisors to provide for laying out highways, &c.

§ 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges and organizing townships, under such restrictions and limitations as shall be prescribed by law.

ARTICLE XI.

TOWNSHIPS.

Township officers.

§ 1. There shall be elected annually, on the first Monday of April, in each organized township, one supervisor, one township clerk, who shall be ex-officio school inspector, one commissioner of highways, one township treasurer, one school inspector, not exceeding four constables, and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law.

Townships to be bodies corporate.

§ 2. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township, shall be in the name thereof.

ARTICLE XII.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

Impeachment.

§ 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

How tried.

§ 2. Every impeachment shall be tried by the Senate. When the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. When an impeachment is directed, the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment, in case of impeachment, shall not extend further than removal from office; but the party convicted shall be liable to punishment according to law.

House to elect three members to prosecute.

§ 3. When an impeachment is directed, the House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the Legislature, when the Senate shall proceed to try the same.

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§ 4. No judicial officer shall exercise his office, after an impeachment is directed, until he is acquitted. Impeachment of judicial officer.

§ 5. The Governor may make a provisional appointment to a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until after the election and qualification of a successor. Vacancy; how filled.

§ 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the Governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the Legislature; but the cause for which such removal is required shall be stated at length in such resolution. Removal of judge.

§ 7. The Legislature shall provide by law for the removal of any officer elected by a county, township or school district, in such manner and for such cause as to them shall seem just and proper. Removal of certain officers.

ARTICLE XIII.

EDUCATION.

§ 1. The Superintendent of Public Instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law. Education.

§ 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation. School fund.

§ 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof, shall be appropriated exclusively to the support of primary schools. Escheats.

§ 4. The Legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language. Free schools.

**District
Schools.**

§ 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

**Election of
Regents of
University.**

§ 6. There shall be elected in each judicial circuit, at the time of the election of the judge of such circuit, a regent of the University, whose term of office shall be the same as that of such judge. The regents thus elected shall constitute the Board of Regents of the University of Michigan.

**Regents
body corporate.**

§ 7. The regents of the University, and their successors in office, shall continue to constitute the body corporate, known by the name and title of "the Regents of the University of Michigan."

**President of
University.**

§ 8. The regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking but not of voting. He shall preside at the meetings of the regents, and be the principal executive officer of the University. The board of regents shall have the general supervision of the University, and the direction and control of all expenditures from the University interest fund.

**Board of ed-
ucation.**

§ 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education, one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Asylums.

§ 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

**Agricultural
school.**

§ 11. The Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the

same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

§ 12. The Legislature shall also provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries.

ARTICLE XIV.

FINANCE AND TAXATION.

§ 1. All specific State taxes, except those received from the mining companies of the upper peninsula, shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to, and constitute a part of the primary school interest fund. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State Government, the interest of the State debt, and such deficiency as may occur in the resources.

§ 2. The Legislature shall provide by law a sinking fund of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent per annum, and an annual increase of at least five per cent, to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

§ 3. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

**To repel in-
vasions.** § 4. The State may contract debts to repel invasion, suppress in-
surrection, or defend the State in time of war. The money arising
from the contracting of such debts shall be applied to the purposes
for which it was raised, or to repay such debts.

**Money; how
paid out.** § 5. No money shall be paid out of the treasury except in pursu-
ance of appropriations made by law.

**State credit,
etc.** § 6. The credit of the State shall not be granted to or in aid of,
any person, association or corporation.

**Scrip not to
be issued.** § 7. No scrip, certificate or other evidence of State indebtedness
shall be issued, except for the redemption of stock previously issued,
or for such debts as are expressly authorized in this constitution.

**State not to
subscribe,
stock.** § 8. The State shall not subscribe to, or be interested in, the stock
of any company, association or corporation.

**Not to en-
gage in in-
ternal im-
provement.** § 9. The State shall not be a party to, or interested in, any work
of internal improvement, nor engaged in carrying on any such work,
except in the expenditure of grants to the State of land or other prop-
erty.

**To collect
specific tax.** § 10. The State may continue to collect all specific taxes accruing
to the treasury under existing laws. The Legislature may provide
for the collection of specific taxes, from banking, rail road, plank
road and other corporations hereafter created.

**Uniform rate
of taxation.** § 11. The Legislature shall provide an uniform rule of taxation,
except on property paying specific taxes, and taxes shall be levied
on such property as shall be prescribed by law.

Assessments § 12. All assessments hereafter authorized shall be on property at
its cash value.

Equalization § 13. The Legislature shall provide for an equalization by a State
board, in the year one thousand eight hundred and fifty-one, and
every fifth year thereafter, of assessments on all taxable property,
except that paying specific taxes.

**Laws impos-
ing taxes.** § 14. Every law which imposes, continues or revives a tax, shall
distinctly state the tax, and the object to which it is to be applied;
and it shall not be sufficient to refer to any other law to fix such tax
or object.

ARTICLE XV.

CORPORATIONS.

§ 1. Corporations may be formed under general laws; but shall

not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be altered, amended or repealed. How formed

§ 2. No banking law or law for banking purposes, or amendments thereof, shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election. Banking law to be submitted to people.

§ 3. The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being officers or stockholders of such corporation or association. Individual liability.

§ 4. The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in specie. Registry of bills.

§ 5. In case of the insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association. Bill holders entitled to preference.

§ 6. The Legislature shall pass no law authorizing or sanctioning the suspension of specie payments by any person, association or corporation. Suspension.

§ 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association. Liability.

§ 8. The Legislature shall pass no law altering or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each house; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations. Amendment &c.

§ 9. The property of no person shall be taken by any corporation for public use without compensation being first made or secured, in such manner as may be prescribed by law. Property; how taken.

§ 10. No corporation, except for municipal purposes, or for the construction of railroads, plank roads and canals, shall be created for a longer time than thirty years. Term of corporation.

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Construct'n
of term "cor-
poration."

§ 11. The term "corporations," as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue, and be subject to be sued, in all courts, in like cases as natural persons.

Limitation.

§ 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

Cities and
villages.

§ 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

Election of
judicial off-
cers.

§ 14. Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed, at such time and in such manner as the Legislature may direct.

Private prop-
erty; how
taken.

§ 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of freeholders, and actually paid or secured in the manner provided by law.

Notice for
charter.

§ 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

ARTICLE XVI.

EXEMPTIONS.

Amount.

§ 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars from sale on execution or other final process of any court issued for the collection of any debt contracted after the adoption of this constitution.

Homestead.

§ 2. Every homestead of not exceeding forty acres of land, and the dwelling-house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal

thereto, and the dwelling-house thereon, and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this constitution. Such exemption shall not extend to any mortgage thereon lawfully obtained; but such mortgage or other alienation of such land, by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

§ 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts contracted after the adoption of this constitution, in all cases, during the minority of his children.

§ 4. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

§ 5. The real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become entitled, by gift, grant, inheritance or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband; and may be devised or bequeathed by her as if she were unmarried.

Estate of females.

ARTICLE XVII.

MILITIA.

§ 1. The militia shall be composed of all able-bodied white male citizens, between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this State; but all such citizens of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

Of whom composed.

§ 2. The Legislature shall provide by law for organizing, equipping and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

Organization

§ 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.

Officers how elected.

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ARTICLE XVIII.

MISCELLANEOUS PROVISIONS.

- Oath.** § 1. Members of the Legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this State, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability." And no other oath, declaration or test shall be required as a qualification for any office or public trust.
- Private property for public use.** § 2. When private property is taken for the use or benefit of the public, the necessity for using such property, and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law.
- Mechanical trades in S. prison.** § 3. No mechanical trade shall hereafter be taught to convicts in the State prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other States or countries.
- Navigable streams.** § 4. No navigable stream in this State shall be either abridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such streams.
- Public moneys.** § 5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.
- Laws, &c., to be in English language.** § 6. The laws, public records, and the written judicial and Legislative proceedings of the State, shall be conducted, promulgated and preserved in the English language.
- Right to bear arms.** § 7. Every person has a right to bear arms for the defence of himself and the State.
- Military, &c.** § 8. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

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§ 9. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war except in a manner prescribed by law. Soldiers not to be quartered in private house.

§ 10. The people have the right peaceably to assemble together, to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances. Right of petition.

§ 11. Neither slavery, nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State. Slavery prohibited.

§ 12. No lease or grant hereafter of agricultural land for a longer period than twelve years, reserving any rent or service of any kind, shall be valid. Leases.

§ 13. Aliens who are, or who may hereafter become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens. Aliens may hold property.

§ 14. The property of no person shall be taken for public use, without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessities of the road and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders; and such amount, together with the expenses of proceedings, shall be paid by the person or persons to be benefitted. Private roads.

§ 15. No general revision of the laws shall hereafter be made. Revision of laws. When a re-print thereof becomes necessary, the Legislature in joint convention shall appoint a suitable person to collect together such acts and parts of acts as are in force, and without alteration, arrange them under appropriate heads and titles. The laws so arranged shall be submitted to two commissioners appointed by the Governor for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

ARTICLE XIX.

UPPER PENINSULA.

§ 1. The counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron and Michigan, and in Green Bay, and the straits of Mackinac and the River Ste Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney. Upper peninsula.

Dist. judge. § 2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.

Attorney. § 3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.

Senators & representatives. § 4. Such judicial district shall be entitled at all times to at least one Senator, and until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the Legislature.

Compensation of judge. § 5. The Legislature may provide for the payment of the district judge a salary not exceeding one thousand dollars a year, and of the district attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the Legislature from such territory, not exceeding two dollars a day during any session.

Election; when to take place. § 6. The elections for all district or county officers, State Senator or Representatives, within the boundaries defined in this article, shall take place on the last Tuesday of September in the respective years in which they may be required. The county canvass shall be held on the first Tuesday in October thereafter, and the district canvass on the last Tuesday of said October.

Taxes. § 7. One-half of the taxes received into the treasury from mining corporations in the Upper Peninsula paying an annual State tax of one per cent, shall be paid to the treasurers of the counties from which it is received, to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.

State prison may be removed. § 8. The Legislature may change the location of the State Prison from Jackson to the Upper Peninsula.

Mining companies. § 9. The charters of the several mining corporations may be modified by the Legislature, in regard to the term limited for subscribing to stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor the time for the existence of charters extended. No such corporation shall be

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permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises. .

ARTICLE XX.

AMENDMENT AND REVISION OF THE CONSTITUTION.

§ 1. Any amendment or amendments to this constitution may be ^{Amendment} proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next general election thereafter, and if a majority of the electors qualified to vote for members of the Legislature voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

§ 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other time as the Legislature may by law provide, the question of a general revision of the constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature, at the next session, shall provide by law for the election of delegates to such convention. All the amendments shall take effect at the commencement of the political year after their adoption. 1866.

SCHEDULE.

That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that

§ 1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature. Common & statute law to remain in force.

§ 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like pow- Writs, actions, &c. to be proceeded in.

ers and jurisdiction, both at law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department under this constitution.

Fines, &c. § 3. That all fines, penalties, forfeitures and escheats accruing to the State of Michigan under the present constitution and laws, shall accrue to the use of the State under this constitution.

Recognizances, &c. § 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Michigan, to any State, county or township, or any public officer or public body, or which may be entered into or executed under existing laws, "to the people of the State of Michigan," to any such officer or public body, before the complete organization of the departments of government under this constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions, shall be tried, punished and prosecuted, as though no change had taken place, until otherwise provided by law.

Governor & Lt. governor § 5. A Governor and Lieutenant Governor shall be chosen under the existing constitution and laws, to serve after the expiration of the term of the present incumbent.

Officers to hold office. § 6. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this constitution.

Senators & representatives to hold office. § 7. The members of the Senate and House of Representatives of the Legislature of one thousand eight hundred and fifty-one, shall continue in office under the provisions of law, until superseded by their successors elected and qualified under this constitution.

County officers to hold office. § 8. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and fifty-three. The laws now in force as to the election, qualification and duties of township officers, shall continue in force until the Legislature shall, in conformity to the provisions of this constitution, provide for the holding of elections to fill such offices, and prescribe the duties of such officers respectively.

Term. § 9. On the first day of January, in the year one thousand eight

hundred and fifty-two, the terms of office of the judges of the supreme court under existing laws, and of the judges of the county courts, and of the clerks of the supreme court, shall expire on the said day.

§ 10. On the first day of January, in the year one thousand eight hundred and fifty-two, the jurisdiction of all suits and proceedings then pending in the present supreme courts, shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the circuit courts and county courts for the several counties, shall become vested in the circuit court of the said counties, and district court for the upper peninsula.

§ 11. The probate courts, the courts of justices of the peace and the police court authorized by an act entitled "An act to establish a police court in the city of Detroit," approved April second, one thousand eight hundred and fifty, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

§ 12. The office of State Printer shall be vested in the present incumbent until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office.

§ 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this constitution, as far as may be.

§ 14. The Attorney General of the State is required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this constitution, and as may be best calculated to carry into effect its provisions; and he shall receive no additional compensation therefor.

§ 15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections for the purpose of representation.

§ 16. This constitution shall be submitted to the people for their adoption or rejection, at the general election to be held on the first

Jurisdiction,
&c.

Probate and
justices'
courts to ex-
ercise juris-
diction.

State printer

Duty of leg-
islature of
1851

Duty of At-
torney Genl.

Territory,
&c.

Constitution
to be submit-
ed to people.

Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection, at the same time, the separate resolution in relation to the elective franchise; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to the said general election, to give notice, as provided by law in case of an election of Governor, that this constitution has been duly submitted to the electors at said election. Every newspaper within this State publishing in the month of September next, this constitution as submitted, shall receive as compensation therefor, the sum of twenty-five dollars, to be paid as the Legislature shall direct.

Qualificat'n
of electors.

§ 17. Any person entitled to vote for members of the Legislature by the constitution and laws now in force, shall, at the said election, be entitled to vote for the adoption or rejection of this constitution, and for or against the resolution separately submitted, at the places and in the manner provided by law for the election of members of the Legislature.

Ballot box.

§ 18. At the said general election, a ballot box shall be kept by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this constitution; and on the ballot shall be written or printed, or partly written and partly printed, the words "Adoption of the constitution—yes;" or "Adoption of the constitution—no."

Canvass.

§ 19. The canvass of the votes cast for the adoption or rejection of this constitution, and the provision in relation to the elective franchise separately submitted, and the returns thereof, shall be made by the proper canvassing officers, in the same manner as now provided by law for the canvass and return of the votes cast at an election for Governor, as near as may be, and the return thereof shall be directed to the Secretary of State. On the sixteenth day of December next, or within five days thereafter, the Auditor General, State Treasurer and Secretary of State shall meet at the capitol, and proceed, in presence of the Governor, to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the Governor of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon "Adoption of the constitution—yes," this constitution shall be the supreme law of the State from and after the first day of January, one thousand eight

hundred fifty-one, except as is herein otherwise provided; but if a majority of the votes cast upon the question have thereon "Adoption of the constitution—no," the same shall be null and void. And in case of the adoption of this constitution, said officers shall immediately, or as soon thereafter as practicable, proceed to open the statements of votes returned from the several counties for judges of the supreme court and State officers under the act entitled "An act to amend the revised statutes and to provide for the election of certain officers by the people in pursuance to an amendment of the constitution, approved February sixteenth, one thousand eight hundred and fifty," and shall ascertain, determine and certify the results of the election for said officers under said acts, in the same manner, as near as may be, as is now provided by law in regard to the election of Representatives in Congress. And the several judges and officers so ascertained to have been elected, may be qualified and enter upon the duties of their respective offices on the first Monday of January next, or as soon thereafter as practicable.

§ 20. The salaries or compensation of all persons holding office under the present constitution shall continue to be the same as now provided by law, until superseded by their successors elected or appointed under this constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed. Salaries.

§ 21. The Legislature, at their first session, shall provide for the payment of all expenditures of the convention to revise the constitution and of the publication of the same as is provided in this article. Expenditures of convention; how paid.

§ 22. Every county, except Mackinaw and Chippewa, entitled to a representative in the Legislature, at the time of the adoption of this constitution, shall continue to be so entitled under this constitution; and the county of Saginaw, with the territory that may be attached, shall be entitled to one representative; the county of Tuscola, and the territory that may be attached, one representative; the county of Sanilac, and the territory that may be attached, one representative; the counties of Midland and Aronac, with the territory that may be attached, one representative; the county of Montcalm, with the territory that may be attached thereto, one representative; and the counties of Nawaygo and Oceana, with the territory that may be attached thereto, one representative. Each county having a ratio of Representative districts

representation and a fraction over, equal to a moiety of said ratio, shall be entitled to two representatives, and so on above that number, giving one additional member for each additional ratio.

Cases pending in chancery.

§ 23. The cases pending and undisposed of in the late court of chancery at the time of the adoption of this constitution, shall continue to be heard and determined by the judges of the supreme court. But the Legislature shall, at its session in one thousand eight hundred and fifty-one, provide by law, for the transfer of said causes that may remain undisposed of on the first day of January, one thousand eight hundred and fifty-two, to the supreme or circuit court established by this constitution, or require that the same may be heard and determined by the circuit judges.

Term of office of Gov. and Lt. Gov.

§ 24. The term of office of the Governor and Lieutenant Governor shall commence on the first day of January next after their election.

Upper Peninsula.

§ 25. The territory described in the article entitled "Upper Peninsula," shall be attached to and constitute a part of the third circuit for the election of a Regent of the University.

Dist. judge.

§ 26. The Legislature shall have authority after the expiration of the term of office of the district judge first elected for the "Upper Peninsula," to abolish said office of district judge and district attorney, or either of them.

Legislature of 1861; its duties.

§ 27. The Legislature shall, at its session of one thousand eight hundred and fifty-one, apportion the Representatives among the several counties and districts, and divide the State into Senate districts, pursuant to the provisions of this constitution.

Terms of S. and Co. officers.

§ 28. The terms of office of all State and county officers, of the circuit judges, members of the board of education, and members of the Legislature, shall begin on the first day of January next succeeding their election.

State divid'd into 8 judicial circuits.

§ 29. The State, exclusive of the Upper Peninsula, shall be divided into eight judicial circuits, and the counties of Monroe, Lenawee and Hillsdale shall constitute the first circuit; the counties of Branch, St. Joseph, Cass and Berrien shall constitute the second circuit; the county of Wayne shall constitute the third circuit; the counties of Washtenaw, Jackson and Ingham shall constitute the fourth circuit; the counties of Calhoun, Kalamazoo, Allegan, Eaton and Van Buren shall constitute the fifth circuit; [the] counties of St. Clair, Macomb, Oakland and Sanilac shall constitute the sixth circuit; the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola and Midland shall constitute the seventh circuit; and the counties of Barry, Kent, Ottawa, Ionia, Clinton and Montcalm shall constitute the eighth circuit.

Done in Convention, at the Capitol of the State, this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fifth.

D. GOODWIN, *President*.

LAWS OF MICHIGAN.

[No. 1.]

AN ACT to extend the time for the collection of Taxes in the township of Jackson in the county of Jackson.

Section 1. *The People of the State of Michigan enact, That the* ^{Time extended.} time for the collection of taxes in the township of Jackson in the county of Jackson, for the year eighteen hundred and fifty, be and the same is hereby extended to the first Monday of March, eighteen hundred and fifty-one.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do ^{Duty of Treasurer.} in the life-time of his warrant, and to make his return at any time on or before the first Monday of March next; and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said first Monday of March next.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the the life-time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county. ^{Ibid.}

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned ^{Unpaid taxes; how returned.} to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed

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from the same time, as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 8, 1851.

[No. 2.]

AN ACT to extend the time for the collection of Taxes in the township of Niles in the county of Berrien.

Time extended. Section 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Niles in the county of Berrien, for the year eighteen hundred and fifty, be and the same is hereby extended to the first Monday of March, eighteen hundred and fifty-one.

Duty of Treasurer. Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make his return at any time on or before the first Monday of March next; and said warrant is hereby renewed and continued in full force and virtue for the purpose aforesaid, until the said first Monday in March next.

Ibid. Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life-time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county.

Unpaid taxes; how returned. Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 8, 1851.

[No. 3.]

AN ACT to extend the time for the collection of Taxes for the year eighteen hundred and fifty, in the township of St. Clair in the county of St. Clair.

Section 1. *The People of the State of Michigan enact*, That the

time for the collection of taxes in the township of St. Clair in the county of St. Clair, for the year eighteen hundred and fifty, is hereby extended until the first Monday of March, eighteen hundred and fifty-one. Time extended.

Sec. 2. The collector of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and make his return at any time on or before the first Monday of March next; and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the first Monday in March next. Duty of collector.

Sec. 3. It shall be the duty of the collector of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life-time of his warrant, as is now prescribed by law, and to renew his official bond to the satisfaction of the treasurer of said county. Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment. Transcript unpaid taxes; how returned.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 10, 1851.

[No. 4.]

AN ACT to extend the time for the collection of taxes in the city of Detroit, for the year eighteen hundred and fifty.

Section 1. *The people of the State of Michigan enact*, That the time for the collection of the State and county taxes in the city of Detroit, for the year eighteen hundred and fifty, is hereby extended until the first Monday of April next. Time extended.

Sec. 2. The collectors of the several wards of said city are hereby authorized to proceed and collect said taxes as fully as they might have done during the life time of their warrants for that purpose, and Duty of collectors.

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to make their returns on or before the first Monday in April next; and said warrants are continued in full force for said purpose until said time.

ibid.

Sec. 3. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants, as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

Transcript
unpaid taxes;
how returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 12, 1851.

[No. 5.]

AN ACT relative to postage.

Section 1. *The people of the State of Michigan enact*, That the post master at Lansing be and he is hereby authorized to charge to the State the postage on all mail matter received by members and officers of this Legislature, and that this act shall take effect from and after its passage.

Approved February 13, 1851.

[No. 6.]

AN ACT to provide for the better security of public records.

Public records.

Section 1. *The people of the State of Michigan enact*, That all books, papers or records belonging or in any wise appertaining to the offices of clerk, treasurer, register of deeds or judge of probate, of the several counties, and also all books, papers or records belonging or in any wise appertaining to the offices of the several township and school

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District officers of this State, are hereby declared to be public property, belonging to the people of the State of Michigan, to be used and preserved by the respective officers aforesaid, during their continuance in office; and any person or persons who shall wilfully carry away, mutilate or destroy any of such books, papers, records, or any part of the same; and any person or persons who shall retain and continue to hold the possession of any books, papers, records or parts thereof, belonging to the aforesaid offices of clerk, treasurer, register of deeds or judge of probate of the several counties, or to the offices of the several township and school district officers of this State, and shall refuse to deliver up said books, papers, records, or parts thereof, to the proper officer having charge of the office to which the said books, papers or records belong, upon demand being made by such officer, shall be deemed guilty of a misdemeanor, and Penalty for mutilating. upon conviction thereof before any court of record of this State, shall be fined at the discretion of the court, or imprisoned in the county jail until he shall deliver such books, papers, records, or parts thereof, to the proper officers having charge of the office to which they belong, or be otherwise discharged according to law.

Sec. 2. This act shall take effect immediately.

Approved February 19, 1851.

[No. 7.]

AN ACT to provide for holding terms of the circuit court in the county of Sanilac.

Section 1. *The people of the State of Michigan enact*, That two terms of the circuit court be held in the county of Sanilac during Terms. the present year, at such times as shall be hereafter appointed.

Sec. 2. The circuit judge of the fourth circuit, within twenty days after the passage of this act, is hereby authorized and required to Duty of circuit judge. appoint the times of holding the terms of the circuit court in the county of Sanilac, required by the preceding section, and transmit to the county clerk of said county of Sanilac, a copy of such appointment, which shall be filed and preserved by such clerk; and said clerk shall cause such appointment to be published once in each week for three successive weeks in the St. Clair Observer, a paper

published in the county of St. Clair; the last publication to be at least twenty days prior to the holding of such court.

Sec. 3. This act shall take effect immediately.

Approved February 20, 1851.

[No. 8.]

AN ACT to provide for the collection of taxes in the county of Kent.

Board of supervisors; duty of. Section 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Kent are hereby authorized to make an assessment roll for the city of Grand Rapids.

Ibid. Sec. 2. That, for the purpose aforesaid, the said board are authorized to divide the assessment rolls of the town of Walker and the town of Grand Rapids, now before said board, and to detach from said rolls the descriptions of such parcels of property, with the valuation thereof, as lie within the incorporated limits of the city of Grand Rapids.

Corrected rolls to be certified & delivered to supervisors. Sec. 3. The chairman of the said board of supervisors is hereby authorized to make and append to the assessment roll of the city of Grand Rapids, made as hereinbefore provided, and to the assessment rolls of all the several townships in the said county of Kent, the certificate provided for in section twenty-six of chapter twenty of title five of the revised statutes of eighteen hundred and forty-six; and the rolls aforesaid, thus certified, shall thereupon be delivered to the supervisor of the city of Grand Rapids and the supervisors of the said townships respectively.

Apportionment. Sec. 4. The board of supervisors aforesaid are hereby authorized to ascertain and determine the amount of money to be raised by tax for county and State purposes, and to make the apportionment thereof provided for in section twenty-nine of the chapter aforesaid.

Certificate to be made by clerk. Sec. 5. The clerk of said board of supervisors is hereby authorized to make the certificates, and to do the other acts by him to be done, according to the provisions of section thirty of the chapter aforesaid.

Duty of supervisors. Sec. 6. The supervisor of the city of Grand Rapids, and the supervisors of the several townships in the county of Kent, are hereby authorized to make the assessments and to do the other acts required

to be done by the said supervisors in section thirty-one of the aforesaid chapter.

Sec. 7. The supervisor of the city of Grand Rapids and the supervisor of each township in the said county of Kent, are hereby authorized, on or before the tenth day of March next, to notify the marshal of the city of Grand Rapids, and the several treasurers of the aforesaid townships, of the amount of State and county tax apportioned to said city and townships respectively, and such marshal and treasurers, on or before the twentieth day of March next, shall severally give to the county treasurer and his successors in office, a bond of the amount, character and condition prescribed in section thirty-two of the aforesaid chapter.

Notice to marshal and treasurers.

Treasurer's bond, &c.

Sec. 8. The county treasurer of the said county of Kent is hereby authorized and required to file and safely keep the aforesaid bonds, and thereupon to do such other acts as are required to be done by him in section thirty-three of the chapter aforesaid; and the marshal of the city of Grand Rapids, and the treasurers of the several townships of said county of Kent, shall deliver to their respective supervisors, on or before the twenty-fifth day of March next, the receipt required in said section thirty-three.

Treasurer to file bonds.

Sec. 9. The several supervisors of the said county, after the delivery of such receipts, and on or before the first day of April next, are hereby authorized to deliver copies of their assessment rolls, with the warrant thereto annexed, to the collector of his city or township, in the manner and to the effect prescribed in sections thirty-four and thirty-five of the chapter aforesaid, and the said warrants shall be made returnable on or before the twelfth day of May next.

When supervisors to deliver assessment rolls to collectors.

Sec. 10. The marshal of the city of Grand Rapids, and the treasurers of the several townships of the county of Kent now in office, shall continue and remain in the discharge of the duties of said office, for the purpose only of collecting the rolls aforesaid, and making the returns thereof prescribed by law; and the said marshal and the township treasurers aforesaid shall proceed in making the said collection and returns according to the provisions of said chapter twenty, title one of the revised statutes of eighteen hundred and forty-six, in relation to the collection and return of taxes, so far as they are applicable.

Duty of marshal and treasurers.

Sec. 11. A transcript of all unpaid taxes returned to the county

Transcript
of unpaid
taxes; how
returned.

treasurer, in pursuance of the provisions of the aforesaid chapter, shall be returned to the Auditor General on or before the first day of July next, and such unpaid taxes shall be collected in the same manner as with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General : non-payment.

Sec. 12. This act shall take effect immediately.

Approved February 20, 1851.

[No. 9.]

AN ACT to authorize the assessment of certain taxes in the township of Ransom, county of Hillsdale.

Authority
of board of
supervisors.

Section 1. *The People of the State of Michigan enact*, The board of supervisors of the county of Hillsdale are hereby authorized to add to the amount of the State and county tax apportioned to that township of Ransom in said county, for the year eighteen hundred and fifty-one, the amount of the State and county tax apportioned to that township for the year eighteen hundred and fifty, and one year's interest thereon.

Duty of supervisor
of town of
Ransom.

Sec. 2. The supervisor of said township of Ransom, in assessing the taxes certified to him by the board of supervisors for the year eighteen hundred and fifty-one, shall include in his assessment that State and county tax apportioned to that township for the year eighteen hundred and fifty, and one year's interest thereon.

Approved February 22, 1851.

[No. 10.]

AN ACT to authorize the assessment of certain taxes in the township of Baltimore in the county of Barry.

Authority
of board of
supervisors.

Section 1. *The People of the State of Michigan enact*, The board of supervisors of the county of Barry are hereby authorized to add to the State and county tax apportioned to the township of Baltimore, in said county, in the year eighteen hundred and fifty-one, the amount of the State and county tax apportioned to said township for the year eighteen hundred and fifty, and one year's interest thereon.

LAWS OF MICHIGAN.

9

Sec. 2. The supervisor of said town of Baltimore, in assessing the taxes certified to him by the board of supervisors for the year eighteen hundred and fifty-one, shall include in the assessment the State and county tax apportioned to that township for the year eighteen hundred and fifty, and one year's interest thereon.

Duty of supervisor of town of Baltimore.

Sec. 3. This act shall take effect immediately.

Approved February 22, 1851.

[No. 11.]

AN ACT authorizing the Board of State Auditors to examine and settle the claim of the Detroit and Birmingham plank road Company.

Section 1. *The People of the State of Michigan enact,* That the Board of State Auditors are hereby authorized and required to examine, audit and allow the claim of the Detroit and Birmingham plank road company, for tax paid the State in error, in eighteen hundred and fifty, on such terms as they shall deem just and reasonable.

Sec. 2. This act shall take effect immediately.

Approved March 3, 1851.

[No. 12.]

AN ACT to amend an act entitled an act authorizing Sandy McLeod to build a dam across the Cheboygan river, in the county of Cheboygan.

Section 1. *The People of the State of Michigan enact,* That section two of an act entitled an act to authorize Sandy McLeod to build a dam across the Cheboygan river in the county of Cheboygan, be amended so that the same shall read as follows:

Sec. 2 of act amended.

"Sec. 2. The said dam shall not exceed eight feet above common low water mark, and shall contain a convenient slide or sluice, for the passage of logs; and the owners thereof shall, whenever the board of supervisors of Cheboygan county shall so order, within a reasonable time, place in said dam a convenient lock, not less than eighteen feet wide and one hundred feet in length, for the passage of boats, barges and other water craft, navigating said river; the owners

Description of dam, lock &c.

LAWS OF MICHIGAN.

ers of said and it shall be s
 c as re e b us and other water craft in also
 w of th w id dam, and to pass them to also
 water of de ve id dam, for all the purposes of na
 igation of river, all ."

Act repea-
 ed.

Sec. 2. An act enti d an act authorising Alexander McLeod t
 construct a canal fi the river Cheboygan to Lake Huron, approve
 March twenty-second, eighteen hundred and forty-eight, is hereby
 repealed.

Sec. 3. The Legislature reserves the right at any time to alter
 amend or repeal this act.

Sec. 4. This act shall take effect immediately.

Approved March 3, 1851.

[No. 13.]

AN ACT to repeal an act entitled an act to provide for Statistics
 Information, approved April 3, 1848.

Section 1. *The People of the State of Michigan enact*, That as
 number two hundred and seventy-four of the session laws c
 eighteen hundred and forty-eight, entitled an act to provide for statis
 statistical information, approved April third, eighteen hundred as
 forty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 14.]

AN ACT to amend an act to incorporate the Genesee county plan
 road company.

Section 1. *The P e of State of Michigan enact*, That th
 Genesee county y may erect a toll gate whenever
 the road shall be c fr the village of Flint to the townshi
 ine of t of G I anc; and if the right to construct
 d hip of Grand Blanc, on the line
 saw ll obt d in o nce with the pr
 e | r March thirteenth

eighteen hundred and forty-eight, it shall be the duty of said plank road company, within ninety days after obtaining such consent, to complete so much of said road as would have authorized said company to have erected a toll gate under the act last mentioned.

Sec. 2. The act entitled an act to amend an act entitled an act to incorporate the Genesee plank road company, approved April second, eighteen hundred and fifty, is hereby repealed. ^{Act repealed.}

Sec. 3. This act shall take effect immediately.

Approved March 8, 1851.

[No. 15.]

AN ACT to repeal an act to prevent the circulation of Foreign Notes, approved April 3, 1848.

Section 1. *The People of the State of Michigan enact*, That an act to prevent the circulation of foreign notes, approved April third, eighteen hundred and forty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 16.]

AN ACT authorizing the Board of State Auditors to examine and settle the claim of Nancy J. Gould, administratrix upon the estate of Austin M. Gould, deceased.

Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors are hereby authorized and required to examine, audit and settle the claim of Nancy J. Gould, administratrix upon the estate of Austin M. Gould, late of the county of Washtenaw, deceased, for the value of a certain press purchased by the said Austin M. Gould, deceased, during his life time, for the use of the Supreme Court of this State, while acting as clerk thereof. Also for the services and expenses of the said Austin M. Gould, deceased, in and about the removal of the books and papers in said office, to the village of Jackson from Ann Arbor, upon the removal of said court from the last to the former mentioned place, and for assisting in as-

sorting and putting up said books and papers in the new clerk's office at Jackson, aforesaid.

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 17.]

AN ACT supplementary to an act entitled an act to incorporate the Jackson and Michigan Plank Road Company, approved April 1848.

Section 1. *The People of the State of Michigan enact*, That for the purpose of providing means for the construction and completion of the plank road of the Jackson and Michigan plank road company and its buildings and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places in this State, upon such terms and with such rates of interest (not exceeding ten per cent per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of such company; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars. *Proviso.* And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms as said company may determine; and in case said bonds or obligations or any of them shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value. *Proviso.* *Provided*, That none of such bonds or obligations shall be sold at less than par without the consent of the holders of three-fourths of the stock of said company.

Company
may issue
bonds, a-
mount, &c.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend and be payable at such place and in such manner and with such preference or priority over the remaining stock of said company in the payment of dividends, as the directors of said company may determine, and as shall be approved by the holders of three-fourths of the stock of said company, at their annual meeting, or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock and their representatives shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meetings of said company, unless previous notice of such meeting and the intention of submitting that question shall have been published at least six weeks in the newspapers printed in the villages of Jackson and Eaton Rapids.

Construction stock.

Provido.

Sec. 3. This act shall take effect immediately; and said company shall be entitled to its benefits and be subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Acceptance of act, when filed.

Provido.

Approved March 8, 1851.

[No. 18.]

AN ACT to amend sections one and two of act number ninety-six, entitled an act to authorize the building of a certain dam therein named, approved March thirty-first, eighteen hundred and forty.

Section 1. *The people of the State of Michigan enact*, That sections one and two of act number ninety-six, entitled an act to authorize the building of a certain dam therein named, approved March

Sec. 1 and 2 of act No. 96, of 1848, amended

thirty-first, eighteen hundred and forty, be amended by adding section one as follows, to wit:

"Sec. 1. *And provided further*, They shall build and maintain therein a good and sufficient lock, not less than sixty feet in length and sixteen feet in width, for the passage of rafts, saw logs, boats, canoes and other craft."

Sec. 2. By adding to section two, after the word "dam," in the second line of said section, the words "or locks;" so that said sections shall read as follows, to wit:

Dam authorized.
 "Sec. 1. That Sheldon Judson, Lewis Nicholson, Nathan Judson, and Benjamin Barrett, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the outlet of Bear Lake, near its intersection with Lake Muskegon, on the north west quarter of section number twenty-three, in township number ten north, of range number seventeen west, in the county of Ottawa
Proviso *Provided*, That said dam shall not exceed eight feet above the common low water mark: *And provided further*, They shall build and maintain therein a good and sufficient lock, not less than sixty feet in length and sixteen feet in width, for the passage of rafts, saw logs, boats, canoes and other water craft.

Liability for trespass. "Sec. 2. Any person who shall destroy or in any wise injure said dam or lock, shall be deemed to have committed a trespass on the owners thereof, and shall be liable accordingly."

Sec. 3. This act shall take effect from and after its passage.

Sec. 4. The Legislature may at any time alter or amend this act.
 Approved March 8, 1851.

[No. 19.]

AN ACT to amend section one of act number one hundred and nine entitled an act to incorporate the Marshall and Ionia plank road company, approved March 20, 1850.

Sec. 1 of act No. 109, of 1850, amended. Section 1. *The People of the State of Michigan enact*, That section one of said act is hereby amended by inserting at the beginning of the third line thereof, the names following, to wit: "W. J. Squier W. R. Martin;" so that said section when amended shall read as follows, to wit:

"Sec. 1. *The People of the State of Michigan enact*, That Isaac E. Cray, H. J. Lawrence, W. J. Squier, W. R. Martin, John C. Ball, James M. Kidd and William Babcock, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Marshall and Ionia plank road company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Marshall and Ionia plank road company, with corporate succession."

Approved March 8, 1851.

[No. 20.]

AN ACT to amend sections one and three of an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 3, 1848, and to amend section one of an act to amend an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 2, 1850.

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the Corunna and Saginaw plank road company, approved April third, eighteen hundred and forty-eight, shall be amended by striking out the word "and," in the fourth line of said section, and inserting after the word "Cooper," in said fourth line, the words "Gardner D. Williams, James Fraser, Charles S. Kimberly and Daniel Eaton;" also that section three of the same act be amended by striking out the word "fifty" and inserting "seventy," in the first line, and add between the words "thousand" and "shares," the words "eight hundred;" so that sections one and three shall read as follows:

Sec. 1 of act No. 335, of 1850, amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isaac Castle, Alexander McArcher, Ransom W. Hawley, Luke H. Parsons, Ebenezer C. Kimberly, Gardner D. Williams, James Fraser, Charles S. Kimberly and Daniel Eaton, be and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Corunna and Saginaw plank road company; and the

Incorporation.

subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Corunna and Saginaw plank road company, with corporate succession."

Capital.

"Sec. 3. The capital stock of said company shall be seventy thousand dollars, in two thousand eight hundred shares of twenty-five dollars each."

Sec. 1 of act
383, of 1850,
amended.

That section one of an act to amend an act entitled an act to incorporate the Corunna and Saginaw plank road company, approved April second, eighteen hundred and fifty, be and the same is hereby amended by striking out the word "two," in the sixth and seventh lines, and inserting "three," so that said section will read as follows:

Time extended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time in which it was necessary for the Corunna and Saginaw plank road company, under an act by virtue of the act of incorporation, approved April third, eighteen hundred and forty-eight, to commence the construction of said road is hereby extended for three years from the passage of this act; and the said company shall, within three years from the passage of this act, commence the construction of said road, and expend ten per cent of the capital stock of said company; they shall be entitled to all the rights and privileges secured in said act of incorporation, as full as if they had commenced said road, and made such expenditure within the time specified in said act of incorporation."

Route.

And the said Corunna and Saginaw plank road company shall have the power to extend their said road (and construct and maintain a necessary buildings and toll-gates) from the east end of the upper ferry on the Saginaw river, opposite Saginaw city, to the bend of the Cass river, in Saginaw county, so as to intersect at that point the Saginaw and Genesee plank road, and to take possession of so much of the Detroit and Saginaw turnpike road, so-called, as may be necessary for the construction of said road: *Provided*, That during the construction of said road, the said company shall in no wise prevent or improperly obstruct the travel: *Provided further*, That nothing herein contained shall be construed as conveying any or further right in such road than the State, as such, possesses.

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 21.]

AN ACT to provide for the organization of certain townships in the county of Tuscola.

Section 1. *The People of the State of Michigan enact*, That township ten north of range seven east, and the north half of townships ten north of ranges eight, nine, ten and eleven east, be and the same are hereby set off from the township of Tuscola, in the county of Tuscola, and organized into a separate township, by the name of Arbela, and the first township meeting for the election of township officers shall be held at the house now occupied by Simeon Newton in said township. Township of Arbela organized.

Sec. 2. That townships number twelve, thirteen and fourteen, north of ranges seven and eight east, and township fifteen, north of range eight east, be and the same are hereby set off from the township of Tuscola, in the county of Tuscola, and organized into a separate township by the name of Rogers, and the first township meeting for the election of township officers shall be held at the house now occupied by Levi Rogers in said township. Township of Rogers organized.

Sec. 3. That township eleven north of range eight east, and townships eleven, twelve, thirteen and fourteen, north of ranges nine, ten and eleven east, be and the same are hereby set off from the township of Tuscola, in the county of Tuscola, and organized into a separate township by the name of Vassar, and the first township meeting for the election of township officers shall be held at the house now occupied by Townsend North in said township. Township of Vassar organized.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 8, 1851.

[No. 22.]

AN ACT to amend sections two and three of an act entitled "an act to incorporate the Copper Falls Mining Company," approved March fifteen, eighteen hundred and forty-eight.

Section 1. *The People of the State of Michigan enact*, That sec-

tion two of an act entitled "an act to incorporate the Copper Falls Mining Company," approved March fifteen, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the third line thereof, the words "one hundred," and substituting the word "thirty;" so that said section shall read:

Capital. "Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Sec. 3 of act No. 74, of 1848, amended. "Sec. 2. That section three of the act to which this act is amended, be and the same is hereby amended so as to read:

Officers. "Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company, by its by-laws, may prescribe: *Provided*, That one of the directors shall at all times be a citizen and resident of the State of Michigan, upon whom services of all process against said company may be made, and such service shall be deemed a valid service as against the said Copper Falls Mining Company: *And provide further*, That said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed, in reference to the commencement and prosecution of suits, and the service of legal process against corporations."

Proviso.

Subject to general laws.

Sec. 3. Should the said company adopt the modification in this act contemplated, a statement of their acceptance of the terms of such modification shall, within twenty days after the adoption thereof, be filed in the office of the Secretary of State, and the same shall be conclusive on and control said company.

Approved March 8, 1851.

[No. 23.]

AN ACT to amend section two of an act entitled an act to incorporate the Portland and Lansing Plank Road Company.

Section 1. *The people of the State of Michigan enact, That section*

two of an act entitled an act to incorporate the Portland and Lansing Plank Road Company, approved April third, eighteen hundred and forty-eight, be and the same is hereby amended by adding to said section, at the end thereof, as follows: "and to take possession of so much of the Detroit and Grand River road, so called, as lays between the village of Lansing and Portland, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the travel: *Provided further*, That nothing herein contained shall be construed as conveying any or further right in said Grand River road than the State, as such, possesses;" so that the section, as amended, will read as follows:

"Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Portland, in the county of Ionia, to the town of Michigan, in the county of Ingham, and to take possession of so much of the Detroit and Grand river road, so called, as lays between the village of Lansing and Portland, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the travel: *Provided further*, That nothing herein contained shall be construed as conveying any or further right in such road than the State, as such, possesses."

Sec 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 24.]

AN ACT to amend sections one, five and eight of an act to incorporate the city of Detroit Gas Company, and to change the title of said company to that of the Detroit Gas Light Company.

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the city of Detroit Gas Company, approved March fourteen, eighteen hundred and forty-nine, be and the same is hereby amended so as to read as follows:

"Sec. 1. That said persons above named, who have signed said articles of association, and all such other persons as have or shall be

Sec. 2 of act
No. 228, of
1848, amended.

Route.

Provided.

Sec. 1 of act,
No. 22, of
1849, amended.

come stockholders, and associated with them for said purpose, and their successors or assigns, shall be and are hereby constituted and declared to be a body politic and corporate, under the name and style of the Detroit Gas Light Company, for the object and purposes contemplated and stated in the above preamble, for the period of forty-eight years from and after the passage of this act: *Provided always*, That within the period of three years they commence operations, and continue the same with all reasonable dispatch."

Incorporation.

Proviso.

Sec. 5 amended.

Time of beginning operations.

Sec. 2. That section five of said act be and the same is hereby amended, so as to read as follows:

"Sec. 5. Unless the said corporation shall have established their manufactory, and so far progressed therewith as to begin supplying gas to some portions of the city within four years from the passage of this act, this act shall cease and become null and void."

Sec. 3. The Legislature may at any time alter, amend or repeal this act, or the act to which this is amendatory.

Acceptance of act, where filed.

Sec. 4. This act shall take effect immediately, and said company shall be entitled to its benefits, and subject to its provisions, whenever they shall accept the same, and their acceptance in writing, signed and certified to by the president or secretary of said company, shall be filed in the office of the Secretary of State: *Provided*, Such acceptance is filed within sixty days from the passage of this act.

Approved March 8, 1851.

[No. 25.]

AN ACT to provide for the election of Circuit Judges and Regents of the University.

Section 1. *The People of the State of Michigan enact*, That an election shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter, in each of the judicial circuits into which, under the revised constitution and schedule thereto, and laws, the State is divided, by the electors thereof, of one Circuit Judge and one Regent of the University, who shall hold their offices respectively for the term of six years, and until their successors are elected and qualified.

Election.

Officers.

Term.

Sec. 2. The inspectors of elections in the several townships and

wards in cities throughout the State, are hereby required to prepare a ballot box to receive all ballots that may be offered at such election for Circuit Judge and Regent of the University, both of which officers shall be voted for on one ballot.

Duties of inspectors.

Sec. 3. The Secretary of State shall, immediately after the passage of this act, transmit to the sheriff of each county included within the several judicial circuits of this State, a notice in writing, containing a brief statement of the contents of this act, and he shall cause a copy of this act to be published in such newspapers within the several judicial circuits as he may deem proper, once in each week from the date of the notice till the election aforesaid.

Duty of secretary of State.

Sec. 4. The sheriffs of the several counties, on receiving the notice hereby provided for, shall forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election of each ward in any city, of such election; and it shall be the duty of the township clerks and inspectors of election receiving said notice, to give eight days' notice, except for the election in eighteen hundred and fifty-one, in writing, under their hands respectively, to the electors of the township or ward, of the time and place of holding such election, by posting the same up in at least three public places in the township or ward.

Duty of Sheriff.

Sec. 5. The election provided for by this act shall be conducted in the same manner as by existing laws is provided for the holding of a general election; and the inspectors of elections shall make the same canvass, statement and returns, and they are hereby invested with the same powers and authority as are provided by the election laws of this State for a general election.

Canvass & statement.

Sec. 6. The county canvass for the several Circuit Judges and Regents of the University, shall be on the second Tuesday succeeding the election, and shall be conducted in all respects in the same manner, and returns shall be made in the same manner and within the same time as is provided by existing laws for the canvass of Representatives to Congress; but the county clerks of the several counties shall transmit one of the certified copies of the statement of votes to the State Treasurer, instead of the Auditor General.

County canvass, when held.

Statement, where returned.

Sec. 7. The Secretary of State, State Treasurer, and Commissioner of the State Land Office, shall constitute the board of State canvassers, and they are hereby authorized and required to proceed in

Board of State canvassers.

the canvass and determination of the election of the several Circuit Judges and Regents of the University, in the same manner and with in similar periods of time, as near as may be, as is provided by law for the canvass of the election of Representatives to Congress, and shall transmit similar notices to the persons declared to be elected to the offices of Circuit Judge and Regent of the University in the several judicial districts: *Provided*, That the board of State canvassers shall not determine the result of the election for a Regent of the University in the county of Wayne, until after the receipt of the several statements of votes given for a Regent of the University in the upper peninsula; provided such statement shall be received before the third Tuesday of November next ensuing, when said board shall proceed to canvass and determine the election of such Regent, as in other cases.

Commencement of term. Sec. 8. The officers elected under the provisions of this act, shall enter upon the discharge of their respective duties on the first day of January succeeding their election.

Oath to be tendered to person challenged. Sec. 9. If any person offering to vote shall be challenged as unqualified, by any inspector or any elector qualified to vote at the poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector, and the challenge shall not be withdrawn, one of the inspectors shall tender to him each of the following oaths as he may claim to contain the ground of his qualifications to vote:

Oath or affirmation. 1st. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceeding this election, and that you have not voted at this election;" or

Ibid. 2d. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceding this election, and that you have not voted at this election;" or

3d. "You do solemnly swear [or affirm] that you are twenty-one

years of age, that you resided in this State on the first day of January, one thousand eight hundred and fifty, that you have declared ^{Ibid.} your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceding this election, and that you have not voted at this election;" or

4th. "You do solemnly swear [or affirm] that you are twenty-one ^{Ibid.} years of age, that you have resided in this State two years and six months next preceding this election, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this township (or ward, as the case may be,) ten days next preceding this election, and that you have not voted at this election;" or

5th. "You do solemnly swear [or affirm] that you are twenty-one ^{Ibid.} years of age, that you are a native of the United States, that you are of Indian descent and do not belong to any tribe, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceding this election, and that you have not voted at this election."

If such person so challenged will take either of the above oaths, ^{Penalty for swearing falsely.} his vote shall be received; but, if such person shall therein swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury.

Sec. 10. This act shall take effect immediately.

Approved March 10, 1851.

[No. 28.]

AN ACT to provide for the discharge of the duties heretofore performed by Masters in Chancery.

Section 1. *The People of the State of Michigan enact*, That from and after the passage of this act, the several circuit court commissioners shall, within their respective counties, be competent to discharge all such duties as have heretofore been performed by ^{Circuit court com. may discharge certain duties.} masters in chancery in this State, according to the practice in chancery proceedings, and all such other powers as shall be conferred upon them by the several circuit courts according to law, and shall be

amenable to the circuit courts within the jurisdiction and under the orders of which respectively they may act: *Provided however*, That testimony to be used before any circuit court in chancery may be taken before a justice of the peace, if the parties interested, their agents or attorneys, shall enter into a stipulation to that effect in writing, and file the same with the clerk of the proper county.

Previseo. Sec. 2. Any circuit court commissioner may be suspended by the circuit judge of his county, from the exercise of the powers and duties of his office, in cases of misconduct therein, after due notice and a full opportunity of making his defence shall have been given him: and the circuit judge of the county shall immediately report such suspension, with the reasons therefor, to the Governor, who may remove him from office.

Circ't court com. may be suspended. Sec. 3. In all cases wherein, since the passage of this law, any reference or matter of business whatsoever was pending and unfinished before any master in chancery of this State, under a decree or order in chancery, or of any court according to law, such court may, by a special order, authorize the transfer of such reference or matter of business to either of the circuit court commissioners of the proper county, who shall proceed in the completion and determination of such matters so transferred, and whose acts in the premises shall be as legal and valid as if the matter had been commenced and wholly proceeded with before such circuit court commissioner.

Unfinished business before master in chancery may be transferred to c. c. com. Sec. 4. Whenever there shall be no circuit court commissioner in any county, or no circuit court commissioner in such county who is not solicitor or counsel in any suit or matter, or otherwise interested, or unable to act in such suit or matter, upon a sufficient showing of such absence, interest or disability, the circuit judge of the county may, by special order, authorize any notary public of the county, being an attorney at law, to perform the required duties in all things concerning such suit or matter.

Notary public may perform duties of c. c. com. in certain cases. Sec. 5. Each circuit court commissioner, before entering on the performance of the duties by this act prescribed, and within ten days after he shall have been officially notified of the passage thereof, shall execute a bond to the people of this State, with sufficient surety or sureties, to be approved by the circuit judge, or clerk of his county, conditioned for the faithful performance of the duties required of

Bond.

him by this act, in the penal sum of not less three thousand and not more than five thousand dollars, in the discretion of the circuit judge or county clerk by whom the same may be approved. Said bond, when approved, shall be filed with the county clerk of the proper county.

Penalty of bond.

Bond, where filed.

Sec. 6. If any such bond shall become forfeited by a breach of its conditions, the circuit judge of his county shall direct it to be prosecuted, and the moneys recovered shall be applied, under the direction of the court, for the indemnity of the persons injured by such breach, in proportion to the amount of their respective losses. Any circuit court commissioner shall renew his bond whenever required so to do by the circuit judge of his county.

Penalty for forfeiture of bond.

Sec. 7. If a vacancy occur in the office of circuit court commissioner, by death, resignation, removal from office, ceasing to reside in the proper county, conviction of an infamous crime, or refusal or neglect to deposit the bond prescribed in this act, the Governor may fill such vacancy for the remainder of the unexpired term.

Vacancy, how filled.

Sec. 8. It shall be the duty of the Secretary of State, immediately after the passage of this act, to transmit to each of the county clerks and circuit court commissioners of the State, a copy thereof, which shall be an official notification of the provisions of the same.

Duty of Secretary of State.

Sec. 9. That all from section forty-eight to section fifty-eight, both inclusive, of chapter ninety-five, title twenty-one of the revised statutes of eighteen hundred and forty-six, and all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Repeal.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 10, 1851.

[No. 27.]

AN ACT to authorize the Auditor General to issue certain land Warrants.

Section 1. *The People of the State of Michigan enact, That the Auditor General be and he is hereby authorized to issue land warrants upon the commissioner of the State Land Office, to C. D. W.*

Aud. Gen. authorized to issue certain land warrants.

Gibson for the amount of certificate number twenty-six, issued to said Gibson by Chauncey L. Crouse, special commissioner under "an act appropriating certain internal improvement lands for the improvement of a State road in the counties of Livingston and Genesee," approved March twenty-third, eighteen hundred and forty-eight the time for presentation of which warrant expired on the fifteenth day of September, eighteen hundred and fifty.

Sec. 2. Before said warrants shall be issued, the certificate of said commissioner shall be presented and delivered to the Auditor General; and said warrants shall continue in force for two years from the fifteenth day of September, A. D. eighteen hundred and fifty and no longer.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1851.

[No. 28.]

AN ACT to amend an act entitled an act to incorporate the Algonquin Mining Company, approved March 30, 1848.

Sec. 2 of act
No. 147 of
1848, amended.

Section 1. *The People of the State of Michigan enact, That section two of an act to incorporate the Algonquin mining company approved March thirtieth, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows:*

Capital.

Company may hold real estate.

"Sec. 2. The said company shall have corporate succession, and its capital stock shall be one hundred and fifty thousand dollars, divided into shares of fifteen dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company: *Provided* That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises."

Sec. 3 amended.

Sec. 2. That section three of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

"Sec. 3. The officers of the company shall be a president, a secretary, and a board of directors, of whom not more than five shall be chosen."

LAWS OF MICHIGAN.

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and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the State of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Algonquin mining company; and said company shall at all times be subject to all the general laws of the State in reference to the commencement and prosecution of suits and the service of legal process."

Officers.
Assessments.

Service of process, how made.

Sec. 3. The said company shall not be entitled to any of the benefits of this act, unless such company shall have been duly organized under the act to which this is amendatory, before the passage of this act.

Condition of benefits of this act.

Sec. 4. The said company shall not be entitled to any of the benefits of this act, unless within six months after the passage of this act a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of the State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Certificate of acceptance, where filed.

Approved March 11, 1851.

[No. 29.]

AN ACT to amend an act entitled an act to incorporate the Siskowiet Mining Company of Michigan, approved March 12, 1849.

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the Siskowiet Mining Company of Michigan, approved March twelfth, eighteen hundred and forty-nine, be and the same is hereby amended by striking out in the eighth line thereof, the words "upon the island of Isle Royal," so that said section shall read as follows:

Sec. 1 of act No. 76 of 1849, amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Clement March, David H. Hall, Royal O. Wightman, Charles Whittlesey, James G. Clark and Au-

Incorporators.

Purposes of incorporation.	gustine L. McCrea, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Siskowiet Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: <i>Provided</i> , That nothing in this act contained shall
Powers limited.	confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than those herein particularly specified."
Sec. 2 amended.	Sec. 2. That said act be amended by adding at the end of section two of the same, the following: " <i>Provided</i> , That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises, and not exceeding one-half of their capital stock;" so that said section shall read as follows:
Restrictions.	
Capital stock.	"Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock: <i>Provided</i> , That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises."
Company may hold real estate.	
Sec. 3 amended.	Sec. 3. That section three of the act to which this act is amendatory be and the same is hereby amended, so as to read as follows:
Officers.	"Sec. 3. The officers of said company shall consist of a president a board of five directors, (each owning in his own right not less than twenty shares of stock,) of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person. And the said company may by its officers, levy assessments on the shares of its stock, and forfeit and sell the said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: <i>Provided</i> , That one of said directors shall be a resident of the State of Michigan, and upon whom service of all process against said company may be made and the same shall be deemed a valid service thereof upon said Siskowiet Mining Company; and that until the first annual meeting of said company after its organization under this act, Clement Marcel
Assessments.	
Service of process, how made.	

LAWS OF MICHIGAN.

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David A. Hall, of Washington, District of Columbia, James G. Clark, of Philadelphia, Charles Whittlesey, of Michigan, and Augustine L. McCrea, of Wisconsin, continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act; and said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed in reference to the commencement and prosecution of suits and the service of legal process against corporations."

Directors.

Sec. 4. That section nine of the act to which this act is amendatory, be and the same is hereby amended so as to read as follows:

Sec. 9 amended.

"Sec. 9. This act shall take effect and be in force for thirty years from and after its passage, and the Legislature may at any time alter, amend or repeal this act for a violation of the provisions thereof."

Duration of charter.

Sec. 5. The said company shall not be entitled to any of the benefits of this act, unless, within six months after the passage of this act, a certificate signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of the State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Certificate of acceptance, where filed.

Approved March 11, 1851.

[No. 30.]

AN ACT to amend an act entitled an act to incorporate the Bohemian Mining Company, approved March 27, 1848.

Section 1. *The People of the State of Michigan enact*, That section two of an act to incorporate the Bohemian mining company, approved March twenty-seventh, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows:

Sec. 2 of act No. 115 of 1848, amended.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifteen dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company: *Provided*, That said

Capital stock.

Company may hold real estate.

company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises."

Sec. 3 amended.

Sec. 2. That section three of the act to which this act is amendatory, be and the same is hereby amended so as to read as follows:

Officers.

"Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for

Assessments.

non-payment of any such assessment, in such manner as said company may by its laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the State of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Bohemian mining company; and said company shall at all times be subject to all the general laws of the State in reference to the commencement and prosecution of suits and the service of legal process."

Service of process, how made.

Condition of benefits of this act.

Sec. 3. The said company shall not be entitled to any of the provisions of this act, unless such company shall have been duly organized under the act to which this is amendatory, before the passage of this act.

Certificate of acceptance, where filed.

Sec. 4. The said company shall not be entitled to any of the benefits of this act, unless within six months after the passage of this act, a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of the State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act: *Provided*,

Provided.

That nothing in this act contained shall be so construed as to revive any rights forfeited by said company in consequence of not having complied with the provisions of their charter.

Approved March 11, 1851.

[No. 31.]

AN ACT to repeal an act to incorporate the village of St. Mary, approved April second, one thousand eight hundred and forty-nine.

Section 1. *The People of the State of Michigan enact, That an*

as to incorporate the village of St. Mary, approved April second, one thousand eight hundred and forty-nine, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved March 14, 1851.

[No. 32.]

AN ACT to provide for the assessment and collection of taxes in the township of Lansing, Ingham county.

Section 1. *The People of the State of Michigan enact*, That the supervisor of the town of Lansing in the county of Ingham, to be elected at the ensuing township election, shall, as soon as the annual assessment roll shall have been completed and reviewed, proceed to assess the amount of State and county tax apportioned to said town by the board of supervisors of said county in and for the year eighteen hundred and fifty, together with such other taxes as are contemplated by the revised statutes of eighteen hundred and forty-six, and for which he or his predecessor in office may have the proper vouchers, upon the taxable property of said town, as it shall appear on said assessment roll.

Sec. 2. To a copy of such tax roll the supervisor shall annex a warrant under his hand for the collection of such taxes in the form prescribed by law, except that such warrant shall require the said township treasurer to account for and pay over said taxes on or before the first day of July next; and the said treasurer shall proceed under such warrant in the same manner, and possess the same powers as under a warrant made at the time prescribed in the revised statutes of eighteen hundred and forty-six for the collection of the regular annual taxes, and shall make return to the county treasurer of all unpaid taxes upon his roll in the same manner and with like effect.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect; and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the

annual taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Duty of supervisor. Sec. 4. The supervisor shall, on or before the twentieth day of May, notify the township treasurer of the amount of State and county taxes apportioned to said township, and such treasurer shall immediately proceed to give the bond to the county treasurer contemplated in section thirty-two, chapter twenty of the revised statutes of eighteen hundred and forty-six; and before receiving the tax list shall deliver his receipt for the same to the supervisor.

Township treasurer to give bond.

Duty of Supervisor. Sec. 5. The supervisor, after receiving the receipt contemplated in the last section, and on or before the twenty-fifth day of May next shall deliver to the township treasurer said assessment roll.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 14, 1851.

[No. 33.] ✓

AN ACT to amend section two of an act entitled an act amending an act relative to plank roads, approved March nineteen, eighteen hundred and forty-nine.

Sec. 2 of act No. 110 of 1849 amended. Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act amending an act relative to plank roads approved March nineteen, eighteen hundred and forty-nine, be as the same is hereby amended by striking out the word "three," where it occurs in the last line of said section, and inserting in lieu thereof the word "five;" so that said section, when so amended, shall read as follows, to wit:

Section 19 of Act No. 61 of 1849, amended. "Sec. 2. Section nineteen of said act is hereby amended by striking out the word "two," in the second line, and inserting in lieu thereof the word "five."

Sec. 2. This act shall take effect immediately.

Approved March 14, 1851.

[No. 34.]

AN ACT for the relief of certain purchasers of University and Primary School Lands.

Section 1. *The People of the State of Michigan enact*, That all fe

runs across the farm belonging to the estate of the late Jefferson Miller, adjacent to the west line of said township of Clinton: *Provided*, That in re-locating said road, said company shall be subject to all the provisions of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight. *Proviso.*

Sec. 2. Said Detroit and Erin plank road company may, and they are hereby empowered, to extend their road on Gratiot street to Randolph street in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company. *Extension of road granted. Proviso.*

Sec. 3. This act shall take effect immediately.

Approved March 18, 1851.

[No. 39.]

AN ACT supplementary to an act to incorporate the Detroit and Saline plank road company, approved March twenty-third, one thousand eight hundred and forty-eight.

Section 1. *The People of the State of Michigan enact*, That the Detroit and Saline plank road company may and they are hereby empowered to extend their road on Michigan Avenue, to the west line of Woodward Avenue, in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company.

Sec. 2. This act shall take effect immediately.

Approved March 18, 1851.

[No. 39.]

AN ACT to authorize the transfer of a certain record from Berrien county to Cass county.

Whereas, A certain deed of conveyance, executed by Jacob D. Dutton, conveying to Cephas Mills the south west quarter of section twelve, in town seven south of range sixteen west, situated in the county of Cass, together with certain other lands in the county of Berrien: therefore *Preamble.*

of the said tax of the year one thousand eight hundred and forty one, so certified to him by the said board of supervisors, and may be proceeded against in any court of competent jurisdiction.

Sec. 4. This act shall take effect immediately.

Approved March 14, 1851.

[No. 36.]

AN ACT to organize the township of Heath, in the county of Allegan, and the township of Austin, in the county of Sanilac.

Township
of Heath
organized.

Section 1. *The People of the State of Michigan enact*, That a that portion of territory lying east and north of the Kalamazoo river in township two north of range fourteen west, together with the whole of township three north of range fourteen west, be and the same is hereby set off from the township of Allegan, in the county of Allegan, and organized into a separate township, by the name of Heath, and that the first township meeting therein shall be held at the house of James M. Heath, in said township.

Township
of Austin
organized.

Sec. 2. That all that portion of territory comprised within the following original surveyed townships, to wit: Nos. twelve, thirteen and fourteen north, of range Nos. fifteen and sixteen east, in the county of Sanilac, be and the same is hereby set off and organized into a separate township, by the name of Austin, and that the first township meeting therein be held at the house of Jerome B. Sharp, in township twelve north of range sixteen east.

Sec. 3. This act shall take effect immediately.

Approved March 18, 1851.

[No. 37.]

AN ACT to amend an act to incorporate the Detroit and Erin plank road company, approved April third, eighteen hundred and forty eight.

Co. may va-
cate or re-
locate por-
tion of route

Section 1. *The People of the State of Michigan enact*, That the Detroit and Erin plank road company may and they are hereby empowered to vacate and re-locate that portion of the route of the said road in the township of Clinton, in the county of Macomb, which

runs across the farm belonging to the estate of the late Jefferson Miller, adjacent to the west line of said township of Clinton: *Provided*, That in re-locating said road, said company shall be subject to all the provisions of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight. *Provido.*

Sec. 2. Said Detroit and Erin plank road company may, and they are hereby empowered, to extend their road on Gratiot street to Randolph street in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company. *Extension of road granted. Provido.*

Sec. 3. This act shall take effect immediately.

Approved March 18, 1851.

[No. 39.]

AN ACT supplementary to an act to incorporate the Detroit and Saline plank road company, approved March twenty-third, one thousand eight hundred and forty-eight.

Section 1. *The People of the State of Michigan enact*, That the Detroit and Saline plank road company may and they are hereby empowered to extend their road on Michigan Avenue, to the west line of Woodward Avenue, in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company.

Sec. 2. This act shall take effect immediately.

Approved March 18, 1851.

[No. 39.]

AN ACT to authorize the transfer of a certain record from Berrien county to Cass county.

Whereas, A certain deed of conveyance, executed by Jacob D. Dutton, conveying to Cephas Mills the south west quarter of section twelve, in town seven south of range sixteen west, situated in the county of Cass, together with certain other lands in the county of Berrien: therefore *Preamble.*

Purposes of incorporation.	gustine L. McCrea, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Siskowiet Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: <i>Provided</i> , That nothing in this act contained shall
Powers limited.	confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than those herein particularly specified."
Sec. 2 amended.	Sec. 2. That said act be amended by adding at the end of section two of the same, the following: " <i>Provided</i> , That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises, and not exceeding one-half of their capital stock;" so that said section shall read as follows:
Restrictions.	
Capital stock.	"Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock: <i>Provided</i> , That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises."
Company may hold real estate.	
Sec. 3 amended.	Sec. 3. That section three of the act to which this act is amendatory be and the same is hereby amended, so as to read as follows:
Officers.	"Sec. 3. The officers of said company shall consist of a president, a board of five directors, (each owning in his own right not less than twenty shares of stock,) of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person. And the said company may by its officers, levy assessments on the shares of its stock, and forfeit and sell the said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: <i>Provided</i> , That one of said directors shall be a resident of the State of Michigan, and upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Siskowiet Mining Company; and that until the first annual meeting of said company after its organization under this act, Clement March,
Assessments.	
Service of process, how made.	

five directors, and such other officers as said board shall, pursuant to the by-laws, appoint. One of said board of directors shall be a citizen and resident of the State of Michigan, upon whom service of all process against the company may be made, and shall be deemed sufficient service upon the company. And said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed in reference to the commencement and prosecution of suits and the service of legal process against corporations. Said board of directors shall hold their office for one year, and until their successors shall be appointed or elected.

Subject to general laws.

Term.

Sec. 3. The said company shall not be entitled to any of the provisions of this act, unless such company shall have been duly organized under the act to which this is amendatory, before the passage of this act.

Restriction.

Sec. 4. The said company shall not be entitled to any of the benefits of this act unless within six months after the passage of this act, a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Co. to file certificate of acceptance.

Approved March 19, 1851.

[No. 41.]

AN ACT to provide for the payment of the members and officers of the Legislature.

Section 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding twenty-five thousand dollars, for the payment of the members and officers of the Legislature.

Appropriation.

Sec. 2. The compensation of the president and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day for actual attendance and when absent on account of sickness, for the first sixty days of the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the House and the Senator from the upper

Compensation of officers and members.

peninsula, two dollars per day additional, for the first sixty days the session. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the Secretary, Engrossing and Enrolling Clerks and Sergeant-at-Arms of the Senate, and of the Clerk Engrossing and Enrolling Clerks and Sergeant-at-Arms of the House of Representatives, and of the reporters of either house, and of the clerks employed with the consent of either Senate or House of Representatives by any of the standing or special committees of either said houses, shall be three dollars per day for actual attendance during the session. The compensation of the fireman of the Senate and of the House of Representatives, shall be two dollars per day for actual attendance during the session. The compensation of the messengers of the Senate and House of Representatives shall be one dollar per day for actual attendance during the session.

How certified?

Sec. 3. Such sums as may be due to the Secretary of the Senate and the Clerk of the House, shall be certified by the presiding officers of the respective houses, and countersigned by the Auditor General; such sums as may be due the President of the Senate and the Speaker of the House of Representatives, shall be certified by the clerk or secretary of the respective houses, and countersigned by the Auditor General; and such sums as may be due the members and other officers of either House, shall be certified by the secretary or clerk, and countersigned by the presiding officers of the respective houses; and the State Treasurer, upon the presentation of any such certificate countersigned as provided in the preceding section, is hereby authorized and directed to pay the same.

How paid?

Sec. 4. This act shall take effect and be in force from and after passage.

Approved March 21, 1851.

[No. 42.]

AN ACT to amend an act entitled an act to create a road fund for the benefit of the German Colonists in Saginaw county, and to authorize the appointment of Commissioners to expend the same, approved March thirty-first, eighteen hundred and forty-nine.

Section 1. *The People of the State of Michigan enact. That a*

tion two of said act be and the same is hereby repealed, and the following substituted therefor, so that said section will read as follows:

Sec. 2 of act No. 198 of 1849, repealed.

"Sec. 2. The highway commissioners of each of said townships shall have the control of the fund created by this act, so far as the same is raised within their respective townships; and in expending the moneys that may be subject to their control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners; and each of said highway commissioners, before entering upon the duties prescribed by this act, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county."

Highway commissioners to have control of fund.

Oath; where filed.

Sec. 2. That section three of said act be amended by striking out the word "special," in the first and eleventh lines, and inserting in lieu thereof the word "highway;" also by striking out the word "for," in the fourth line of said section, and inserting "in the township," in lieu thereof; and also by striking out the word "appointed," in the fourth line of said section, and inserting the word "elected," in lieu thereof; so that said section will read:

Sec. 3 amended.

"Sec. 3 It shall be the duty of each of said highway commissioners, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of that portion of the road in the township in which he was elected, and deliver the same to the treasurer of said county, who shall thereupon open an account with the German colony road fund, and credit to said fund all money then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the highway commissioner, in pursuance of the next section of this act."

Duty of highway commissioners.

German colony road fund.

Sec. 3. That section four of said act be amended by striking out the word "special," where it occurs in the first and eleventh lines of said section, and inserting "highway," in lieu thereof; so that said section will read:

Sec. 4 amended.

annual taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Duty of supervisor.

Township treasurer to give bond.

Duty of Supervisor.

Sec. 4. The supervisor shall, on or before the twentieth day of May, notify the township treasurer of the amount of State and county taxes apportioned to said township, and such treasurer shall immediately proceed to give the bond to the county treasurer contemplated in section thirty-two, chapter twenty of the revised statutes of eighteen hundred and forty-six; and before receiving the tax list shall deliver his receipt for the same to the supervisor.

Sec. 5. The supervisor, after receiving the receipt contemplated in the last section, and on or before the twenty-fifth day of May next, shall deliver to the township treasurer said assessment roll.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 14, 1851.

[No. 33.] ✓

AN ACT to amend section two of an act entitled an act amending an act relative to plank roads, approved March nineteen, eighteen hundred and forty-nine.

Sec. 2 of act No. 110 of 1849 amended.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act amending an act relative to plank roads, approved March nineteen, eighteen hundred and forty-nine, be and the same is hereby amended by striking out the word "three," where it occurs in the last line of said section, and inserting in lieu thereof the word "five;" so that said section, when so amended, shall read as follows, to wit:

Section 19 of Act No. 64 of 1848, amended.

"Sec. 2. Section nineteen of said act is hereby amended by striking out the word "two," in the second line, and inserting in lieu thereof the word "five."

Sec. 2. This act shall take effect immediately.

Approved March 14, 1851.

[No. 34.]

AN ACT for the relief of certain purchasers of University and Primary School Lands.

Section 1. *The People of the State of Michigan enact*, That all for-

after purchasers of university and primary school lands, who have annually paid their interest, but have failed to pay twenty-five per centum of the principal of their several purchases, can, at any time prior to the first day of March, eighteen hundred and fifty-two, pay to the State Treasurer an amount, which, together with the sums already paid, will make twenty-five per centum of their original purchases respectively; and when such amounts are so paid, together with all annual interest, then said purchasers shall be entitled to the same privileges, and be subject to the same liabilities as persons purchasing under the laws now in force, regulating the sale of university and primary school lands.

Sec. 2. This act shall take effect immediately.

Approved March 14, 1851.

[No. 35.]

AN ACT to authorize the assessment of certain taxes in the Township of Almont, county of Lapeer.

Section 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Lapeer are hereby authorized to add to the amount of State and county tax apportioned to the township of Almont, in said county, for the year one thousand eight hundred and fifty-one, one half of the amount of State and county tax apportioned to the township of Bristol, now Almont, for the year one thousand eight hundred and forty-one, and interest thereon; and in the year one thousand eight hundred and fifty-two the other half of the amount of State and county tax, apportioned to said township for the year one thousand eight hundred and forty-one, and interest thereon.

Duty of supervisors.

Sec. 2. The supervisor of said township of Almont, in assessing the taxes certified to him by the board of supervisors for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, shall include in his assessment the State and county tax apportioned to said township for the year one thousand eight hundred and forty-one, and interest thereon.

Duty of supervisor of the town of Almont.

Sec. 3. Any supervisor neglecting or refusing to comply with the provisions of this act, shall be liable to the said county for the amount due.

Penalty for neglect of duty.

of the said tax of the year one thousand eight hundred and forty-one, so certified to him by the said board of supervisors, and may be proceeded against in any court of competent jurisdiction.

Sec. 4. This act shall take effect immediately.

Approved March 14, 1851.

[No. 36.]

AN ACT to organize the township of Heath, in the county of Allegan, and the township of Austin, in the county of Sanilac.

Township
of Heath
organized.

Section 1. *The People of the State of Michigan enact*, That all that portion of territory lying east and north of the Kalamazoo river, in township two north of range fourteen west, together with the whole of township three north of range fourteen west, be and the same is hereby set off from the township of Allegan, in the county of Allegan, and organized into a separate township, by the name of Heath, and that the first township meeting therein shall be held at the house of James M. Heath, in said township.

Township
of Austin
organized.

Sec. 2. That all that portion of territory comprised within the following original surveyed townships, to wit: Nos. twelve, thirteen and fourteen north, of range Nos. fifteen and sixteen east, in the county of Sanilac, be and the same is hereby set off and organized into a separate township, by the name of Austin, and that the first township meeting therein be held at the house of Jerome B. Sharp, in township twelve north of range sixteen east.

Sec. 3. This act shall take effect immediately.

Approved March 18, 1851.

[No. 37.]

AN ACT to amend an act to incorporate the Detroit and Erin plank road company, approved April third, eighteen hundred and forty-eight.

Co. may va-
cate or re-
locate por-
tion of route

Section 1. *The People of the State of Michigan enact*, That the Detroit and Erin plank road company may and they are hereby empowered to vacate and re-locate that portion of the route of the said road in the township of Clinton, in the county of Macomb, which

runs across the farm belonging to the estate of the late Jefferson Miller, adjacent to the west line of said township of Clinton: *Provided*, That in re-locating said road, said company shall be subject to all the provisions of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight.

Sec. 2. Said Detroit and Erin plank road company may, and they are hereby empowered, to extend their road on Gratiot street to Randolph street in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company.

Sec. 3. This act shall take effect immediately.

Approved March 18, 1851.

[No. 39.]

AN ACT supplementary to an act to incorporate the Detroit and Saline plank road company, approved March twenty-third, one thousand eight hundred and forty-eight.

Section 1. *The People of the State of Michigan enact*, That the Detroit and Saline plank road company may and they are hereby empowered to extend their road on Michigan Avenue, to the west line of Woodward Avenue, in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company.

Sec. 2. This act shall take effect immediately.

Approved March 18, 1851.

[No. 39.]

AN ACT to authorize the transfer of a certain record from Berrien county to Cass county.

Whereas, A certain deed of conveyance, executed by Jacob D. Dutton, conveying to Cephas Mills the south west quarter of section twelve, in town seven south of range sixteen west, situated in the county of Cass, together with certain other lands in the county of Berrien: therefore

Preamble.

Sinking
fund; how
applied.

cruing upon said funded debt of said city for the year for which such tax is levied and collected; the annual tax of five thousand dollars, or any portion thereof, levied and collected as aforesaid, shall, together with all sums that can be saved from the general tax and from all other sources of revenue of said city, constitute a sinking fund, which shall, under the direction of the said common council, be applied exclusively to the payment of the funded debt of said city.

Restrictions

Sec. 3. From and after the passage of this act, no bond or other evidence of debt shall be issued by the said common council, except for the completion of works already under contract, or for refunding bonds or for funding evidences of debt already issued; and any bonds or evidences of debt issued in contravention of this section shall be absolutely void: *Provided, however,* That the provisions of this section shall not apply to orders on the treasurer for the necessary and current expenses of the city.

Proviso

Powers of
common
council.

Proviso.

Sec. 4. The common council shall have power, in addition to those already granted, to levy taxes in the manner prescribed in said charter, upon all the real and personal estate within the limits of said city: *Provided,* That no such work shall be contracted for or commenced until it shall have been approved by the common council, and a tax levied to pay for the same; and no such work shall be paid for, or contracted to be paid for, save out of the proceeds of the tax levied specially therefor; and all contracts made in contravention hereof, shall be absolutely void. All the provisions of the charter of said city, and the amendments thereto, in any way inconsistent or contravening the provisions of this section, and the provisions contained in this act, are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 45.]

AN ACT to change the boundary between the townships of Palmyra and Ogden, in the county of Lenawee.

Section 1. *The People of the State of Michigan enact, That the*

five directors, and such other officers as said board shall, pursuant to the by-laws, appoint. One of said board of directors shall be a citizen and resident of the State of Michigan, upon whom service of all process against the company may be made, and shall be deemed sufficient service upon the company. And said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed in reference to the commencement and prosecution of suits and the service of legal process against corporations. Said board of directors shall hold their office for one year, and until their successors shall be appointed or elected.

Subject to general laws.

Term.

Sec. 3. The said company shall not be entitled to any of the provisions of this act, unless such company shall have been duly organized under the act to which this is amendatory, before the passage of this act.

Restriction.

Sec. 4. The said company shall not be entitled to any of the benefits of this act unless within six months after the passage of this act, a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Co. to file certificate of acceptance.

Approved March 19, 1851.

[No. 41.]

AN ACT to provide for the payment of the members and officers of the Legislature.

Section 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding twenty-five thousand dollars, for the payment of the members and officers of the Legislature.

Appropriation.

Sec. 2. The compensation of the president and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day for actual attendance and when absent on account of sickness, for the first sixty days of the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the House and the Senator from the upper

Compensation of officers and members.

peninsula, two dollars per day additional, for the first sixty days of the session. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the Secretary, Engrossing and Enrolling Clerks and Sergeant-at-Arms of the Senate, and of the Clerk, Engrossing and Enrolling Clerks and Sergeant-at-Arms of the House of Representatives, and of the reporters of either house, and of the clerks employed with the consent of either Senate or House of Representatives by any of the standing or special committees of either of said houses, shall be three dollars per day for actual attendance during the session. The compensation of the fireman of the Senate and of the House of Representatives, shall be two dollars per day for actual attendance during the session. The compensation of the messengers of the Senate and House of Representatives shall be one dollar per day for actual attendance during the session.

How certified

Sec. 3. Such sums as may be due to the Secretary of the Senate and the Clerk of the House, shall be certified by the presiding officers of the respective houses, and countersigned by the Auditor General; such sums as may be due the President of the Senate and the Speaker of the House of Representatives, shall be certified by the clerk or secretary of the respective houses, and countersigned by the Auditor General; and such sums as may be due the members and other officers of either House, shall be certified by the secretary or clerk, and countersigned by the presiding officers of the respective houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in the preceding section, is hereby authorized and directed to pay the same.

How paid.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 42.]

AN ACT to amend an act entitled an act to create a road fund for the benefit of the German Colonists in Saginaw county, and to authorize the appointment of Commissioners to expend the same, approved March thirty-first, eighteen hundred and forty-nine.

Section 1. *The People of the State of Michigan enact. That sec-*

tion two of said act be and the same is hereby repealed, and the following substituted therefor, so that said section will read as follows:

Sec. 2 of act No. 198 of 1840, repealed.

"Sec. 2. The highway commissioners of each of said townships shall have the control of the fund created by this act, so far as the same is raised within their respective townships; and in expending the moneys that may be subject to their control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners; and each of said highway commissioners, before entering upon the duties prescribed by this act, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county."

Highway commissioners to have control of fund.

Oath; where filed.

Sec. 2. That section three of said act be amended by striking out the word "special," in the first and eleventh lines, and inserting in lieu thereof the word "highway;" also by striking out the word "for," in the fourth line of said section, and inserting "in the township," in lieu thereof; and also by striking out the word "appointed," in the fourth line of said section, and inserting the word "elected," in lieu thereof; so that said section will read:

Sec. 3 amended

"Sec. 3 It shall be the duty of each of said highway commissioners, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of that portion of the road in the township in which he was elected, and deliver the same to the treasurer of said county, who shall thereupon open an account with the German colony road fund, and credit to said fund all money then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the highway commissioner, in pursuance of the next section of this act."

Duty of highway commissioners.

German colony road fund.

Sec. 3. That section four of said act be amended by striking out the word "special," where it occurs in the first and eleventh lines of said section, and inserting "highway," in lieu thereof; so that said section will read:

Sec. 4 amended

Highway
commissioners to
draw war-
rant on Ger-
man colony
road fund.

"Sec. 4. It shall be the duty of each of said highway commissioners, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the German colony road fund; and it shall be the duty of the county treasurer of that county to pay the same out of any money belonging to that portion of said fund which is derived from the taxes which come under the provisions of this act, upon the line of that portion of the road under that highway commissioner's separate charge.

Co. treas-
urer's duties.

Sec 5 amen-
ded.

Sec. 4. That section five of said act be amended by striking out the word "special," in the first line of said section, and inserting "highway," in lieu thereof; so that said section will read:

Compensa-
tion of com-
missioners.

"Sec. 5. Each of said highway commissioners shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him in discharging the duties which this act imposes upon him; and his account for the same, verified by his oath, shall be audited by the board of supervisors of Saginaw county, and shall be paid out of any moneys belonging to his portion of the German colony road fund in the treasury of that county."

Sec. 6 re-
pealed.

Sec. 5. That section six of said act be and the same is hereby repealed, and the following substituted therefor; so that said section will read:

Commis-
sioners
where to
render ac-
counts.

"Sec. 6. The special commissioners heretofore appointed under said act, are required within two months from the passage of this act, to render their several accounts, on oath, to the treasurer of the county of Saginaw, and to pay over to him all moneys remaining in their hands belonging to said German colony road fund."

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 43.]

AN ACT to provide for the issuing of a patent to Chauncey G. Pope and Thomas L. Pope, for certain lands.

Section 1. *The People of the State of Michigan enact*, That the Governor of this State is hereby authorized to issue or cause to be issued unto Chauncey G. Pope and Thomas L. Pope, their heirs or assigns, a patent for the east half of the south-west quarter of section twelve, in township eight south of range eighteen west, upon satisfactory evidence being furnished to said Governor that the aforesaid Chauncey G. Pope and Thomas L. Pope, their heirs or assigns, are the holders and true owners of the certificate originally issued for said above described parcel of land from the State Land Office of the State of Michigan, in the year eighteen hundred and forty-six, by Digby V. Bell, Commissioner of said Land Office, to one John Harris: *Provided*, That before said patent shall be issued, payment in full of all moneys due or to become due, both principal and interest, for said parcel of land, shall be made to the Treasurer of the State.

Approved March 21, 1851.

[No. 44.]

AN ACT supplementary to acts incorporating the city of Detroit.

Section 1. *The People of the State of Michigan enact*, That in addition to the tax now authorized to be levied by the charter of the city of Detroit, the common council shall have power to cause to be assessed, levied and collected, each and every year, upon all the real and personal estate within the limits of the said city, a tax not exceeding in amount a sum sufficient to pay the interest accruing upon the funded debt of said city for the year for which such tax is levied and collected, and also an additional tax each year, not exceeding in amount the sum of five thousand dollars.

Sec. 2. The said sums, or any parts thereof, so levied and collected, shall be appropriated as follows, and to no other purpose whatever: Any and all sums, levied and collected as aforesaid for the payment of interest, shall be applied to the payment of the interest ac-

Additional
tax authori-
zed.

How appro-
priated.

Sinking
fund; now
applied.

cruing upon said funded debt of said city for the year for which such tax is levied and collected; the annual tax of five thousand dollars, or any portion thereof, levied and collected as aforesaid, shall, together with all sums that can be saved from the general tax and from all other sources of revenue of said city, constitute a sinking fund, which shall, under the direction of the said common council, be applied exclusively to the payment of the funded debt of said city.

Restrictions

Sec. 3. From and after the passage of this act, no bond or other evidence of debt shall be issued by the said common council, except for the completion of works already under contract, or for refunding bonds or for funding evidences of debt already issued; and any bonds or evidences of debt issued in contravention of this section shall be absolutely void: *Provided, however,* That the provisions of this section shall not apply to orders on the treasurer for the necessary and current expenses of the city.

Proviso

Powers of
common
council.

Sec. 4. The common council shall have power, in addition to those already granted, to levy taxes in the manner prescribed in said charter, upon all the real and personal estate within the limits of said city: *Provided,* That no such work shall be contracted for or commenced until it shall have been approved by the common council, and a tax levied to pay for the same; and no such work shall be paid for, or contracted to be paid for, save out of the proceeds of the tax levied specially therefor; and all contracts made in contravention hereof, shall be absolutely void. All the provisions of the charter of said city, and the amendments thereto, in any way inconsistent or contravening the provisions of this section, and the provisions contained in this act, are hereby repealed.

Proviso.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 45.]

AN ACT to change the boundary between the townships of Palmyra and Ogden, in the county of Lenawee.

Section 1. *The People of the State of Michigan enact, That the*

boundary line between the township of Palmyra and the township of Ogden in the county of Lenawee, from that point where the said line is first intersected by the river Raisin, to that point where the said river enters the township of Blissfield in said county, shall be and is hereby so altered as to coincide with the main channel of said river; so that all that part of the township of Palmyra which lies south of said river, and between the two points aforesaid, shall be and is hereby taken from the said township of Palmyra, and set off to and made a part of the said township of Ogden; and all that part of the said township of Ogden, which lies north of said river, shall be and the same is hereby taken from the said township of Ogden, and made a part of the said township of Palmyra.

Sec. 2. This act shall take effect immediately.

Approved March 21, 1851.

[No. 46.]

AN ACT authorizing the Auditor General to publish certain tax sales in the Barry County Pioneer.

Section 1. *The People of the State of Michigan enact*, That the Auditor General shall cause the statement of the lands to be sold for taxes in the county of Barry, in October, in the year eighteen hundred and fifty-one, to be published in the Barry County Pioneer; which statement shall be published in the same manner, for the same time, and to the same effect as like statements required by law to be published in other cases.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 47.]

AN ACT for the relief of the several school districts in the township of Concord, county of Jackson.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction be and he is hereby directed that, in apportioning the income of the primary school fund among

Duty of su-
perintendent of
public in-
struction.

the several townships and cities in this State, in pursuance of the provisions of the statute, be apportion to the township of Concord, in the county of Jackson, in addition to the amount to which said township will be entitled to receive from said fund the present year, the sum of sixty-six dollars, or the amount which two hundred scholars residing in said township, and that were not returned to the Superintendent of Public Instruction, were entitled to draw from said school fund under the apportionment of the school fund for the year eighteen hundred and forty-nine.

Sec. 2. This act shall take effect immediately.

Approved March 23, 1851.

[No. 48.]

AN ACT to amend section three, chapter one hundred and thirty, title twenty-four of the revised statutes, relative to the foreclosure of mortgages by advertisement.

*Statutes
amended.*

Section 1. *The People of the State of Michigan enact*, That section three, chapter one hundred and thirty, title twenty-four of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended by striking out from the last line of said section the words "at the seat of government," and insert the words "nearest thereto;" and also by inserting in the third line thereof, after the word "premises," the words "included in the mortgage and;" so that said section, when amended, shall read:

*Notice of
mortgage
sale, how
given.*

"Sec. 3. Notice that said mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them, shall be given by publishing the same for twelve successive weeks, at least once in each week, in a newspaper printed in the county where the premises included in the mortgage and intended to be sold, or some part of them, are situated, if there be one; and if no newspaper be printed in such county, then such notice shall be published in a paper published nearest thereto."

Sec. 2. This act shall take effect immediately.

Approved March 22, 1851.

[No. 49.]

AN ACT to amend an act to incorporate the Niles Hydraulic and Manufacturing Company, and to amend sections one, six, eight, ten, eleven and thirteen of said act, also to change the title to that of the Niles Hydraulic Company.

Section 1. *The People of the State of Michigan enact*, That an act to improve the navigation of the St. Joseph river and to incorporate the Niles hydraulic and manufacturing company, approved March thirty-first, eighteen hundred and forty-nine, be and the same is hereby amended as follows: strike out section one and insert the following to stand in lieu thereof:

Act No. 203
of 1849,
amended.

"Sec. 1. That James L. Glenn, R. C. Paine and Wm. H. McComber, with such other persons as shall associate with them, shall be and they are hereby created a body politic and corporate by the name of the Niles hydraulic company."

Incorporation.

Sec. 2. Strike out section six, and insert the following in lieu thereof:

"Sec. 6. The directors of said company shall have power to call in and demand from stockholders respectively, all such sums of money by them subscribed, at such time and in such payments as they shall deem proper; to sue for and collect such subscriptions, or to forfeit the shares of stock subscribed for, and all previous payments thereon, if payment shall not be made within sixty days after a personal notice or after notice requiring such payment shall have been published for six successive weeks in a newspaper published in the village of Niles. They shall have power to choose such officers to manage and superintend their business as they may deem for the interest of the company, and to enact such by-laws as may be necessary for the management of the business of the company, according to the true intent and meaning of this act, and not inconsistent with the laws of this State."

Power of directors.

Sec. 3. Strike out section eight, and insert the following in lieu thereof:

"Sec. 8. The corporation hereby created is required, within five years from the passage of this act, to improve the navigation of the St. Joseph river, at or near the village of Niles, by the erection and maintenance of a dam in said river, and by a canal and lock to be

Co. to erect and maintain a certain dam on St. Joseph river.

located at such place near said village as the directors may deem proper, and to be so erected and constructed as to make a passage for boats and other crafts navigating said river, either by canal and lock or slack water navigation, or both, over "salt riffle," and "grand dam riffle," and the rapids between the two, and at all times to keep said dam, canal and lock in a condition to pass without unnecessary delay, all such boats and other crafts, free of expense to the owners thereof; and any person who shall be so detained, shall be entitled to recover of the owners of the same, or of the said Niles hydraulic company, the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit."

Sec. 4. Strike out section ten, and insert the following in lieu thereof:

Power of
directors.

"Sec. 10. The directors of said company shall have power to contract with the owner or owners of any land which may be used or flowed by reason of the construction of said dam, canal, locks and races, or which may be necessary to carry out the object of said corporation in the improvement of the St. Joseph river, the creating of a water power and obtaining the necessary land on which to use the same, and to pay such owner or owners the damages they have sustained; and also to enter upon, take and use any other lands which may be necessary for the purposes aforesaid, after the necessity for using such land and the compensation to be made therefor, shall have been ascertained and paid, as hereinafter provided. And if said company cannot agree with any such owner or owners of land, it shall be lawful for the parties to appoint three disinterested persons, residents of the county, to estimate and appraise such damages; and every such appraisement shall be reduced to writing and signed by the appraisers or a majority of them, and a duplicate thereof shall be furnished to each of the parties. The expense of the appraisement shall be paid by said company."

Damages,
to be esti-
mated.

Parties may
appoint ap-
praisers.

Sec. 5. Strike out section eleven, and insert the following in lieu thereof:

"Sec. 11. Whenever such company shall be unable to agree with the owner or occupants of such lands, to be used for the purpose of making said improvements, or if they cannot agree upon appraisers,

as aforesaid, or if said appraisers so agreed upon shall fail to make their award within the stipulated time, or if the owner or occupant of any such lands shall be a married woman, minor, insane person, an idiot, or a non-resident of this State, having no known agent with power to sell, the directors of such company may apply by petition to any court of record within the county of Berrien, at any session thereof legally held, for the appointment of three commissioners to ascertain and determine whether it be necessary to the public interest to take such lands for the proposed improvements; and if so, to ascertain and determine the amount of damages therefor; such petition shall state that such company have been unable to agree with certain owners or occupants of certain lands, necessary for making said improvement, as to the necessity of taking such lands for the purposes of such improvement, or as to the amount of damages to be allowed therefor; and it shall be necessary in such petition to describe particularly the lands, and if known, the names of the owners; and if it shall appear to the court that previous public notice of such application has been published for three successive weeks in a newspaper published in said county, or if none in the county, then in the paper published nearest thereto, then such court shall forthwith, or as soon as the business of such court will permit, proceed to hear and decide upon such application, and may hear any reason which they may deem valid for or against the appointment of such commissioners, or of any commissioner which said court may name, and may hear any evidence applicable thereto; and if such court shall determine to appoint such commissioners, such court shall appoint three disinterested freeholders of said county, none of whom shall be residents of or owners of real estate in the township of Niles; and if it shall not be made to appear to such court that notice of such application shall have been given as aforesaid, the hearing shall be adjourned either till the next term thereof, or to such other day as shall be deemed proper that such notice shall be given, proceed with the hearing, and appoint commissioners as aforesaid."

Co. may petition court of record for appointment of com'rs, &c.

lands to be described in petition.

Publication of notice.

Com'rs to be freeholders.

Sec. 6. Strike out section thirteen, and insert the following in lieu thereof:

"Sec. 13. Before such commissioners shall enter upon the duties of their office, they shall be sworn before some officer authorized to

Oath of commiss'rs.

administer oaths, faithfully and impartially to perform their duties as such commissioners, which oath shall be in writing, and shall be returned into such court with the report of their proceedings; and shall thereupon, at the request of the directors of such company, and at their expense, give notice of the time when they will proceed to examine the plan of said improvements and determine the necessity of taking the lands of any person or persons, and to ascertain and determine the damages therefor; which notice shall be published in a newspaper published in such county, or if none in the county, then the paper published nearest thereto, for three successive weeks before the time appointed for making such examination and determination; and at or before the time appointed in such notice, the directors of such company shall furnish to the said commissioners a map and description, by reference thereto, of all the lands the necessity for taking which and the damages for which they may wish said commissioners to determine on such examination, together with the names and residence of the owners thereof or persons interested therein, as far as the same can be ascertained; and if it shall appear to said commissioners that notice in writing has been given by said company or any officer or agent thereof, to each of the owners or persons interested therein, residents of the said county, of the said examination and the objects thereof, by delivering the same to such persons, or leaving the same with some member of his family at his place of residence, ten days previous to the time of the examination, they shall proceed to examine so much of said lands as shall have been mentioned in the notice published by them, and shall hear any reasons which may be deemed pertinent, which may be urged for or against the necessity of constructing such improvement, or the necessity of taking therefor any lands of any person; and they may take any testimony having a bearing upon the question of such necessity, and in respect to the amount of damages to be allowed to any person or persons for the taking of any such lands for the purposes aforesaid; and each of said commissioners is hereby authorized to administer all necessary oaths to witnesses, in the taking of any affidavits touching any matter before them, and may issue subpoenas for witnesses with the same effect as courts of law; and all witnesses shall be liable to the same penalties for disobedience as for the like

Damages,
how ascer-
tained and
determined.

disobedience to subpoenas issued by a court of law, and may be fined ^{Damages; how ascertained and determined.} or committed by such commissioners for contempt as in courts of law; and such examination may be continued as long as may be necessary, or adjourned, as to them shall seem just, not however to exceed ten days, without the consent of both parties; and if the said commissioners shall ascertain and determine that such improvement is not necessary for the public interest, or that the lands of any individual are not necessary to be taken for any part of the said improvement, they shall so certify, in writing, to the court by which they were appointed; and said company shall not be allowed to take any such lands of individuals, unless by agreement with the owners and occupants thereof; but if said commissioners shall determine that it is necessary to the public interest to take any lands for the purposes aforesaid, they shall proceed to ascertain, appraise and determine the amount of damages to the respective owners and occupants of such lands in consequence of the taking of any such lands for the purposes aforesaid, describing with convenient certainty each separate parcel, with the amount of lands to be taken by said company from each parcel, and the name and residence of each owner, as far as the same is known. They shall keep full minutes of their proceedings, with the substance of such evidence taken before them, and all the affidavits which shall be used before them; and they or a majority of them shall make and sign a report of all their doings aforesaid, accompanied by all proper exhibits and a map, with references thereto, and shall in such report state the several amounts of damages which shall have been allowed by them to each owner and occupant in respect to each separate parcel upon which an appraisal shall have been made, stating separately the sums allowed to parties unknown, of the lands for which such damages are allowed, and also all the lands claimed by said company to have been necessary to be taken, and which such commissioners shall have decided to be necessary, and shall file the said report with the clerk of the court by which they were appointed, within twenty days after completing such appraisal. The decision of a majority of such commissioners shall be valid, but all shall take part in the hearing; such decision shall be final and conclusive upon all such persons who shall not, within fifteen days after the filing such report, make and file with the clerk of

Damages,
how ascer-
tained and
determined.

such court a motion to set aside said report so far as it respects the lands in which such person is interested, and serve a copy thereof upon one of the director of such company, if to be found in the county; and if such director cannot be found in the county, then such filing shall be sufficient notice to the company."

Sec. 7. Add eight new sections to stand as sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two:

"Sec. 15. Said motion shall be heard at the next session of such court, unless for good cause shown the hearing shall be continued; and on such hearing either party may introduce testimony in addition to that returned by the commissioners; and said court may confirm or annul the decisions of such commissioners upon the matter in question, or may order a re-appraisal of such particular piece or parcel, and fix the time therefor. In making such re-appraisal, the commissioners shall proceed as hereinbefore directed as near as may be; and their report thereof made as aforesaid, in respect to the particular lands in question; and such report shall be confirmed or annulled by said court, as above provided in respect to the first report; and such court may order a re-appraisal as often as they may deem necessary, till the same shall be confirmed by said court.

"Sec. 16. Said commissioners shall at any time thereafter, at the request of the directors of such company, and subject to the provisions above contained, proceed to ascertain and determine the necessity of taking the lands of any person or persons, and the amount of damages therefor, or any other portion of such improvement upon which such damages have not been ascertained; and they shall continue to be the commissioners for that purpose, in respect to said improvement, until all such questions in reference thereto (in such county) shall have been ascertained, unless the court by which they were appointed shall, on cause shown, remove them or any of them; in which case, and in case of the death or continual absence from the State of any of them, such court shall appoint another or others to fill such vacancy.

Compensation
of com-
missioners.

"Sec. 17. Such commissioners shall be entitled to receive two dollars per day, for the time actually spent by them in the performance of their duties, to be paid by said company; and the person appointed to attend to the interest of incompetent or absent parties, as pro-

vided in section twenty-one of this act, shall also be paid by said company the like compensation; the fees of witnesses and officers for the service of subpoenas shall be the same as is or may be provided in respect to witnesses in courts of justices of the peace; and if it shall be made to appear to the said commissioners that said company, six days previous to any such examinations in respect to damages, shall have offered in writing and tendered to any claimant of damages as large a sum for such damages as shall be allowed by them, then all witness fees, with the cost of proceedings, their attendance, the fees of such commissioners and of the person by them appointed under section twenty-one of this act, shall be paid by such claimant; and said company may sue for and recover any part of such costs or fees which they may have paid or become liable to pay, or the same may be offset by said company against any damages which may have been allowed to such person.

Fees of witnesses and officers.

"Sec. 18. If any person interested in lands or damages to be appraised by such commissioners, shall be a married woman, a minor, an idiot, an insane person, a non-resident of this State or unknown, and there shall be no one duly authorized by law to act instead of any such person, the said commissioners shall appoint, by an order in writing, to be made and signed by them, some competent and suitable person who will consent to act; such consent shall be made in writing, signed by such person, to take care of the interests of such interested person, in respect to the proceeding to ascertain such damages; and all such notices as are required to be served on any owner or interested person residing in such county, shall be served upon the person so appointed in like manner and with like effect as if served on the owner or person interested; but any person so appointed to take care of the interests of any such non-resident or unknown owner, may be superceded by him.

Power of commissioners to appoint persons to represent non-residents, &c.

"Sec. 19. In all cases of the appraisal of land authorized by this act, or of damages, and every proceeding in relation thereto, in which the appointment of a person shall have been made in accordance with the provisions of the preceding section, the person so appointed shall be regarded and treated in all respects as a party representing the interests of the person or persons owning or interested in the lands or damages to be appraised; and all proceedings in such cases shall

Appraisal, to be conclusive.

be effectual and conclusive upon the party represented by the person so appointed.

Witnesses. "Sec. 20. On application of any party interested, any judge or justice of the peace may issue a subpoena requiring witnesses to attend before such commissioners; and such subpoena shall have the same force and effect, and the witnesses duly subpoenaed by virtue thereof and refusing and neglecting to obey the same shall be subject to the same penalties and liabilities as if such subpoenas were issued from a court of record in a suit pending therein.

Restrictions of company, except in certain cases.

"Sec. 21. Such company shall not be entitled to enter upon and take (unless by agreement with the owners or occupants) any lands for the use of their improvements, the damages for which have been ascertained and determined by appraisals as provided in this act, until such company shall have paid or legally tendered the amount of such damages to the person or persons entitled to receive the same, except in the cases provided in the next section (section twenty-two) of this act; and if such payment or tender shall not be made within thirty days after the appraisal has been finally determined and fixed, either by the award of persons agreed upon for making such appraisal, or by confirmation of the report of commissioners, or a neglect to move to set aside the report as above provided, then said company shall pay interest on such damages from the time such damages became determined and fixed as aforesaid; and after the payment or tender of such damages as in this section provided, or after complying with the provisions of the succeeding section of this act, said company may enter upon and take the lands in respect to which such appraisal has been made to the said company, its successors and assigns, for the construction and maintainance of the said improvement.

Payment of award.

"Sec. 22. If any person entitled to receive the amount of any such award, be not a resident of this State, or cannot be found therein, the company may furnish to the courts by whom such commissioners were appointed, or the judge thereof in vacation, satisfactory proof of such fact; and such court, or the judge thereof, shall thereupon make an order that the amount of such award shall be paid to the treasurer of the county of Berrien, in respect to which such award was made, for the use of such owner, and that notice of such pay-

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ment be given by publishing the same once in each week for six successive weeks in a newspaper published in said county, on satisfactory proof being made to the said court or judge within three months from the time of making the last mentioned order, of such payment and publication, said court or judge shall make an order authorizing the company to take and hold the land in respect to which such award was made, which shall have the same effect as if such payment had been made to the owner personally. The affidavits and orders mentioned in this section shall be filed in the office of the clerk of the court by which such commissioners were appointed, and such clerk shall file and preserve the same in his office."

Notice by
publication

Sec. 8. Add two new sections to stand as sections twenty-three and twenty-four, as follows:

"Sec. 23. The stockholders of said company shall be severally and individually liable for all labor performed for said company, but no suit shall be brought against any stockholder until an execution against such company shall have been returned unsatisfied in whole or in part.

Individual
liability.

"Sec. 24. The legislature may at any time alter, amend or repeal this act, but such repeal shall not, nor shall the dissolution of said company, take away or impair any remedy given for or against said company or its stockholders in respect to any previous debt or liability."

Subject to
amendment
or repeal.

Sec. 9. This act shall take effect immediately.

Approved March 22, 1851.

[No. 50.]

AN ACT to amend section two of an act entitled an act to incorporate the Pheonix Copper Company, approved March 31, 1849.

Section 1. *The people of the State of Michigan enact, That section two of an act entitled an act to incorporate the Pheonix Copper Company, approved March thirty-first, eighteen hundred and forty-nine, be and the same is hereby amended by striking out in the third line thereof the words "one hundred," and substituting the word "thirty," so that said section shall read:*

Sec. 2 of act
No. 179 of
1849 amended.

"Sec. 2. The said company shall have corporate succession, and

Capital
stock and
real estate
of company.

its capital stock shall not exceed three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the State of Michigan as shall be necessary for the exercise of its corporate franchises."

Certificate
of acceptance;
where filed.

Sec. 2. The said company shall not be entitled to any of the benefits or provisions of this act, unless within six months after its passage the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Approved March 22, 1851.

[No. 51.]

AN ACT to amend section three of an act entitled an act to incorporate the Albion Mining Company, approved March 27, 1848.

Sec. 3 of act
No. 116 of
1848, amended.

Section 1. *The People of the State of Michigan enact*, That section three of an act entitled an act to incorporate the Albion Mining Company, approved March twenty-seventh, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the second line of section three the word "three," and substituting therefor the word "seven;" so that said section shall read:

Officers.

"Sec. 3. The officers of said company shall consist of a president, a board of seven directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, That one of the directors shall at all times be a citizen and resident of this State, upon whom service of all process against said company may be made; and such service shall be deemed a valid service as against the said Albion Mining Company. And said company shall only acquire, hold and convey such real and personal estate in the State of Michigan as shall be necessary for the exercise of its corporate franchises."

Proviso.

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Sec. 2. The said company shall not be entitled to any of the benefits or provisions of this act, unless within six months after its passage the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Certificate
of acceptance;
where filed.

Approved March 22, 1851.

[No. 52.]

AN ACT to amend section two of an act entitled an act to incorporate the New York and Michigan Mining Company, of Detroit, approved March 30th, 1848.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act to incorporate the New York and Michigan mining company of Detroit, approved March thirtieth, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the third line thereof the words "one hundred," and substituting the word "thirty;" so that said said section shall read:

Sec. 2 of act
No. 146, of
1848, amended.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Capital
stock, real
estate, &c.

Sec. 2. The said company shall not be entitled to any of the benefits or provisions of this act, unless within six months after its passage, the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Certificate
of acceptance;
where filed.

Approved March 22, 1851.

[No. 53.]

AN ACT to amend section fifty-eight of an act entitled an act to incorporate the city of Grand Rapids, approved April 2, 1850.

Sec. 56 of
act No. 247
of 1850, a-
mended.

Section 1. *The People of the State of Michigan enact*, That section fifty-eight of an act entitled an act to incorporate the city of Grand Rapids, approved April second, eighteen hundred and fifty shall be amended as follows, to wit: by striking out all of said section from the commencement thereof to the word "and," where it occurs the second time therein, in the second line thereof, and inserting therefor the following, to wit: "There shall be chosen on the first Monday in April in every year in the city at large, upon a general ticket, two persons, qualified electors of said city, one of whom shall be a resident of that portion of said city situated on the west side of Grand river, and the other a resident of that portion of said city situated on the east side of the said river, who shall have and exercise the powers and duties of supervisors, and as such, for and in behalf of the said city, act upon and with the board of supervisors of the county of Kent;" so that said section when amended shall read as follows, to wit:

Persons
may be
chosen to
exercise
powers and
duties of
supervisors.

"Sec. 58. There shall be chosen on the first Monday in April in each year, by the city at large, upon a general ticket, two persons qualified electors of said city, one of whom shall be a resident of that portion of said city situate on the west side of Grand river, and the other a resident of that portion of said city situate on the east side of said river, who shall have and exercise the powers and duties of supervisors, and as such, for and in behalf of said city, act upon and with the board of supervisors of the county of Kent; and the marshal of said city shall have and exercise the powers and duties of township treasurer; and the clerk of said city, in addition to his duties as city clerk, shall perform the duties of township clerk, as provided by law."

Marshal to
perform
duties of
town treasurer.
City clerk
to perform
duties of
town clerk.

Sec. 2. This act shall take effect immediately.

Approved March 24, 1851.

[No. 54.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March 30, 1849.

Section 1. *The People of the State of Michigan enact*, That section one of an act to amend an act entitled an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March thirtieth, eighteen hundred and forty-nine, be and the same is hereby amended so that the same when amended shall read as follows, viz: "The electors of the city of Monroe, at the annual election of said city under their charter, shall, in addition to the other officers heretofore elective by the people, elect one recorder and one marshal or collector of said city, who shall hold their respective offices for one year from and after the day of election, and until their respective successors shall be elected and qualified, unless removed by the common council, as herein provided. It shall be lawful for the common council of said city to require of each of the officers in this section named, such bonds as they shall deem necessary and proper, and to make such rules and regulations by way of ordinances, as they shall judge proper or necessary in relation to the duties of the said several officers, in addition to those now required by law: *Provided*, Such ordinances shall not be contrary to the laws of this State. And if any of the said officers shall neglect or refuse to perform any of the duties now or hereafter to be required of them, respectively, by the laws of this State, or by any ordinance of said city as aforesaid, the common council shall have power to remove such officers, respectively, from their respective offices, first giving to them, respectively, due notice, and an opportunity of being heard in defence of such charges as may be brought against them; and in case of such removal, said common council shall have power, and it shall be their duty to appoint some other suitable person to fill the vacancy occasioned by such removal for the remainder of the year, and until the successor of such officer shall be duly elected and qualified; and the person so appointed shall be subject to all the same duties and required to give the like security as the officer whose duties he is appointed to perform. And the said common council shall not have power to appoint either of said officers except as aforesaid; and the common

Sec. 1 of act No. 167 of 1849, amended.

Officers to be elected.

Term.

Bonds required.

Power of common council.

Salary of
city solicitor.

council of said city shall pay to the city solicitor such amount of money as they shall deem proper, not exceeding fifty dollars per year for ordinary services; but for such services as he may be required to perform in any other court than the mayor's court, they may allow such sum as they may deem reasonable."

Sec. 5. This act shall take effect immediately.

Approved March 24, 1851.

[No. 55.]

AN ACT to amend section one of an act entitled an act to attach the county of Huron to Sanilac for legislative and other purposes, approved April 1, 1850.

Sec. 1 of act
No. 219, of
1850, amended.

Section 1. *The People of the State of Michigan enact, That section (1) one of an act entitled an act to attach the county of Huron to Sanilac for legislative and other purposes, approved April first, eighteen hundred and fifty, be amended by striking out the word "Sanilac" in the fourth line, and inserting in place thereof the word "Austin;" so that said section when amended shall read as follows:*

Sec. 1, as
amended.

"Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the county of Huron be and the same is hereby attached to the county of Sanilac for judicial and representative purposes, and to the township of Austin in the county of Sanilac for township purposes."

Sec. 2. This act shall take effect immediately.

Approved March 26, 1851.

[No. 56.]

AN ACT to amend section three of an act entitled an act to incorporate the Oakland and Ottawa Railroad Company, approved April 3, 1848.

Sec. 3 of act
No. 234, of
1848, amended.

Section 1. *The People of the State of Michigan enact, That section three of an act entitled an act to incorporate the Oakland and Ottawa railroad company, approved April third, eighteen hundred and forty-eight, be amended by adding at the end of said section*

three, the following words: "and for the purpose of providing means for the construction of said railroad, its shops, buildings, depots and equipments, said company may issue its corporate bonds or obligations, for such amounts not less than one hundred dollars, and in the aggregate not exceeding their capital stock, and in such form as it may deem proper, and payable at such times and places, upon such terms and with such rates of interest as it may determine; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company; and in case said bonds or obligations, or any of them shall be thus sold, disposes of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value;" so that said section three, as amended, will read as follows:

"Said company hereby created shall have power to construct a rail road with a double or single track from the village of Pontiac, in the county of Oakland, to Lake Michigan, in the county of Ottawa, in the State of Michigan, passing it through the most desirable and eligible route, by the way of Fentonville, with power to take, transport and carry property and persons upon said railroad or any part thereof herein authorized to be constructed, by the power and force of steam or of animals, or of any mechanical or other power, or of any combination of them which said company may choose to apply; and for the purpose of providing means for the construction of said railroad, its shops, buildings, depots and equipments, said company may issue their corporate bonds or obligations for such amounts, not less than one hundred dollars, and in the aggregate not exceeding their capital stock, and in such form as it may deem proper, and payable at such times and places, upon such terms and with such rates of interest as it may determine, and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company; and in case said bonds or obligations or any of them shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value."

Route and description of road.

Motive power.

Co. may issue bonds.

Approved March 26, 1851.

[No. 57.]

AN ACT to amend an act entitled an act to construct dams and improve the navigation of certain rivers, approved March 24, 1834

Sec. 2 of act
of 1834, a-
mended.

Section 1. *The People of the State of Michigan enact, That* section two of an act entitled an act to construct dams and improve the navigation of certain rivers; approved March twenty-fourth, eighteen hundred and thirty-six, be amended by striking out of the second section of said act, all after the word "mark," where it occurs in the eighth line, and insert in lieu thereof as follows, to wit: "that a dam shall be so constructed as not to impede or obstruct the navigation of said stream, or injure its use as a common highway;" that said section as amended shall read as follows:

Dam authorized.

"Sec. 2. That George Buck, his heirs and assigns, be and they are hereby authorized and empowered to build a dam across the St. Joseph river, on or near the line dividing sections number seventeen and eighteen, in township number six south of range number eleven west, in the county of St. Joseph; said dam shall not exceed fifty feet in height above common low water mark: *Provided, That* said dam shall be so constructed as not to impede or obstruct the navigation of said stream, or injure its use as a common highway, or prevent the passage of fish up and down the same."

Control of
board of su-
pervisors.

Sec. 2. Nothing in this act contained shall prevent the board of supervisors of the county of St. Joseph from exercising the like control and supervision over said dam as such board, as it may be authorized to exercise over any other dam, in their county, under the general laws of the State.

Sec. 3. The Legislature may at any time alter, amend or repeal this act.

Approved March 26, 1851.

[No. 58.]

AN ACT to amend section one of an act to incorporate the Howell and Byron Plank Road Company, approved March twenty-fifth, eighteen hundred and fifty, and to extend the time for opening books for the subscription of stock to the same.

Section 1. *The People of the State of Michigan enact, That* section one of an act to incorporate the Howell and Byron Plank Road

Company, approved March twenty-fifth, eighteen hundred and fifty, be and the same is hereby amended by striking out of said section the names of "B. W. Dennis and E. J. Provost," and inserting in place thereof the names of "Nathaniel Turner and Henry T. Lee;" so that said section when amended will read:

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Lee, Josiah Turner, Nathaniel Turner, Harvey T. Lee and Noah Ramsdell be and they are hereby appointed commissioners, under the direction of whom subscriptions may be received to the capital stock of the Howell and Byron plank road company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Howell and Byron plank road company, with corporate succession."

Sec. 2. The time in which it was made necessary by virtue of said act for the commissioners named in the act incorporating said Howell and Byron plank road company to open books for the subscription of capital stock to said company, and the time in which, by virtue of said act, it was made necessary to commence the construction of said road, is hereby extended one year from the passage of this act.

Sec. 3. This act shall take effect immediately.

Approved March 26, 1851.

[No. 59.]

AN ACT to authorize the formation of Telegraph Companies.

Section 1. *The People of the State of Michigan enact*, That any number of persons may associate for the purpose of constructing a line of wires of telegraph through this State, or from and to any point within this State, upon such terms and conditions, and subject to the liabilities prescribed in this act.

Sec. 2. Such persons, under their hands and seals, shall make a certificate which shall specify:

1st. The name assumed to distinguish such association, and to be used in its dealings, and by which it may sue and be sued.

2nd. The general route of the line of telegraph, designating the points to be connected.

3d. The capital stock of such association, and the number of shares into which the stock shall be divided.

4th. The names and places of residence of the share holders, and the number of shares held by each of them respectively.

5th. The term of its existence, not to exceed thirty years; which certificate shall be proved or acknowledged, and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State; such acknowledgment may be taken by any officer authorized to take the acknowledgment of deeds of real estate, at the place where such acknowledgment is taken.

Copies of
certificate;
where filed.

Sec. 3. Upon complying with the provisions of the last preceding section, such association shall be and hereby is declared to be a body corporate, by the name designated in said certificate; and a copy of said certificate duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all courts and places, for and against any such association.

General
powers of
association.

Sec. 4. Such association shall have power to purchase, receive and hold and convey such real estate, and such only, as may be necessary for the convenient transaction of the business, and for effectually carrying on the operations of such association, and may appoint such directors, officers and agents, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States. But this section shall not be so construed as to authorize any such association to hold any real estate except such as shall be actually occupied by such association in the exercises of its franchises.

Where au-
thorized to
construct
lines of tele-
graph.

Sec. 5. Such association is authorized to construct lines of telegraph along and upon any of the public roads and highways, or across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, provided the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall

this act be so construed as to authorize the construction of any bridge across any of the waters of this State.

Sec. 6. If any person over whose lands said lines shall pass, upon which said posts, piers or abutments shall be placed, shall consider himself aggrieved or damaged thereby, it shall be the duty of the circuit court of the district within which said lands are, on the application of such person, and on notice to said association, (to be served on the president or any director,) to appoint three discreet and disinterested persons as commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damage sustained by said applicant, by reason of said lines, posts, piers or abutments; duplicates of which said appraisal shall be reduced to writing, and signed by said commissioners, or a majority of them; one copy shall be delivered to the applicant, and the other to the president, or any director or officer of said association or corporation, on demand; and in case any damage be adjudged to said applicant, the association or corporation shall pay the amount thereof, with cost of said appraisal; said costs to be liquidated and ascertained in said award; and said commissioners shall receive for their services two dollars for each day they are actually employed in making said appraisal.

Commissioners to assess damages.

Oath.

Compensation.

Sec. 7. Any person who shall unlawfully or intentionally injure, molest or destroy any of said lines, posts, piers or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

Penalty for intentional injury.

Sec. 8. The stockholders of every association organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due during the time of their holding such stock; and no stockholder shall be proceeded against for the collection of any debt or demand against such

Liability of stockholders.

association, until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall be dissolved.

Annual re-
port: where
filed.

Sec. 9. Every such corporation shall, annually, within ten days from the first of January, make a report, which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such company in its business, and the whole amount of money which has at any time been borrowed and then remaining unpaid; the commencement, general route, termination and length of the lines of the wires of such company, and the names of the places through which they pass; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president or secretary of such corporation, and filed in the office of the clerk of the county in which the business of any such company is carried on, and a duplicate thereof in the office of the Secretary of State; and if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made.

Liability
for neglect.

Annual tax.

Sec. 10. All corporations formed under this act shall pay to the treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in; and any investment of the earnings of any such company in their business, shall be considered as so much capital paid in; also upon all sums of money at any time borrowed by any such company, and then remaining unpaid in whole or in part; which tax shall be paid on the first Monday of February in each year, and shall be estimated upon the report of such company for that year, made as required by section nine of this act; and such tax shall be in lieu of all State taxes upon the real and personal estate of such company—

How esti-
mated and
when paid.

Transfer of
stock.

Sec. 11. The stock of any such corporation shall be deemed personal estate, and shall be transferrable in such a manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such company, according to the provisions of this act, until the same shall have been en-

tered upon the books of the corporation, so as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferrable until all previous calls or assessments thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase stock in any other corporation.

Sec. 12. Service of any legal process against any such corporation may be made on the president or secretary, or if neither of them can be found in the county, then upon one of the directors of such company; and in case none of the above named officers can be found in the county, then such service may be made by leaving a copy of such process at the business office of such company in some conspicuous place.

Service of
legal pro-
cess; how
made.

Sec. 13. It shall be the duty of the directors of every such corporation or company to cause books to be kept by the treasurer or secretary or other officers thereof, containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence, the number of shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the principal office of every such company in every county in which such company transact business, for the inspection of stockholders and creditors of such company, and their personal representatives; and any and every such person shall have a right to make extracts from any such book. Such books shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of any such company who shall fail or neglect to make any proper entry in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor; and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such

Duty of di-
rectors.

Penalty for
neglect of
duty.

neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of owner or association in the transmission of dispatches.

Sec. 14. It shall be the duty of the owner or association owning any telegraph line, doing business within this State, to receive dispatches from and for other telegraph lines and associations, and from and for any individual; and on payment of their usual charges for individuals for transmitting dispatches, as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered, with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such dispatch.

Ibid.

Sec. 15. It shall likewise be the duty of every such owner or association, to transmit all dispatches in the order in which they are received, under the like penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order, as herein prescribed: *Provided, however,* That arrangements may be made with the proprietors or publishers of newspapers, for the transmission for the purpose of publication of intelligence of general and public interest, out of its regular order.

Proviso.

Penalty for divulging the nature of the contents of private communications

Sec. 16. Any person connected with any telegraph company in this State, or connected with any such company transacting business in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully or negligently divulge the contents or the nature of the contents of any private communication entrusted for transmission or delivery to the agent, clerk, operator, messenger, or other person in the employ of such company, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail where such conviction shall be had, for a term not exceeding six months, or shall pay a fine not exceeding five hundred dollars, in the discretion of the court; and such company shall be liable to the party aggrieved for all damages sustained thereby.

Lien of the State.

Sec. 17. The State shall have a lien upon any line constructed under this act, and its appurtenances, and for all taxes which may accrue thereon to the State, by virtue of the provisions of this act.

which shall have precedence of all other liens; and in case the tax or any part thereof shall remain unpaid at the time hereinbefore provided for its payment, then the State Treasurer shall have power, and it is hereby made his duty, to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the city of Detroit, by giving three weeks' previous notice, and to sell the same accordingly for the amount of tax and interest, and charges of sale: *Provided*, The same shall not be paid before the time of sale; and the surplus money, if any, shall be paid to the owner or owners of such line.

Duty of state treasurer in case of non-payment of tax.

Provided.

Sec. 18. The Legislature may at any time alter, amend or repeal this act; and any such alteration or amendment shall act as an alteration or amendment of the corporate rights of all companies formed, created, organized, or at any time doing business under its provisions; or they may annul or repeal any corporation formed under this act; but such alteration, amendment, annulling or repeal shall not, nor shall the dissolution of any such company, take away or impair any remedy given for or against any such corporation, its stockholders or officers, for any right acquired or liability which shall have been previously incurred.

Power of legislature.

Sec. 19. This act shall take effect immediately.

Approved March 26, 1851.

[No. 60.]

AN ACT directing the publication of a statement of lands to be sold in Cass county, eighteen hundred and fifty-one.

Section 1. *The People of the State of Michigan enact*, That the Auditor General shall cause the statement of the lands to be sold in the county of Cass, in October, in the year eighteen hundred and fifty-one, to be published in the National Democrat, in Cassopolis, in said county; which statement shall be published in the same manner, for the same time, and to the same effect as like statements required by law to be published in other cases.

Sec. 2. This act shall take effect immediately.

Approved March 31, 1851.

[No. 61.]

AN ACT to amend sections thirty-three, thirty-four and thirty-five of chapter seventy-nine of the revised statutes, relative to the sale of real estate on execution.

Sections 33,
34 and 35 of
chap. 79 of
revised stat-
utes of 1846,
amended.

Section 1. *The People of the State of Michigan enact*, That sections thirty-three, thirty-four and thirty-five of chapter seventy-nine of the revised statutes be severally amended as follows, viz: by inserting in the eighth line of said section thirty-three, after the word "purchaser," the words "or to the assigns of such purchaser." And also, by adding at the end of said section thirty-four, the words following: "*Provided*, That in any case under this or the preceding section, where the rights of the person or persons entitled to such real estate, or any interest therein, shall render it necessary, the circuit court of the county in which the officer who made the sale resided, on a hearing of the parties interested, properly brought before it by bill or petition, may direct the conveyance to be made to the person or persons equitably entitled thereto, in such manner as shall be just; and such conveyance shall have the same effect as provided in the preceding section:" and also by inserting in the first line of said section thirty-five, after the word "conveyed," the words "to any executor or administrator;" so that said sections, as amended shall respectively read as follows:

Convey-
ance, when
and to
whom to be
made.

"Sec. 33. After the expiration of fifteen months from the time of the sale of any real estate, if any part of the premises sold shall remain unredeemed by the person against whom the execution issued or by any person entitled to redeem the same within one year from the time of such sale, according to the provisions of this chapter, the officer making such sale, or his successor in office, shall complete the same by executing, in due form of law, a conveyance of the premises so remaining unredeemed, either to the original purchaser or to the creditor who may have acquired the title of such original purchaser, or to the assigns of such purchaser, or to the creditor who may have purchased such title from any other creditor, as the case may be; which conveyance shall be valid and effectual to convey all the right, title and interest which was sold on such execution.

"Sec. 34. In case the person who, by the provisions of the preceding sections, would be entitled to a conveyance of any real estate

sold by virtue of an execution, shall die before the execution of the conveyance, the officer shall execute and deliver such conveyance to the executor or administrator of the person so deceased: *Provided*, That in any case under this or the preceding section, where the rights of the person or persons entitled to such real estate, or any interest therein, shall render it necessary, the circuit court of the county in which the officer who made the sale resided, on a hearing of the parties interested, properly brought before it by bill or petition, may direct the conveyance to be made to the person or persons equitably entitled thereto, in such manner as shall be just; and such conveyance shall have the same effect as provided in the preceding section.

When conveyances to be made to executors, &c.

Proviso.

"Sec. 35. The real estate so conveyed to any such executor or administrator shall be held in trust for the use of the heirs of such deceased person, subject to the dower of his widow, if there be any; but the same may be sold for the payment of debts and legacies, in the same manner as lands whereof the deceased died seized."

Executor, &c., to hold same in trust.

Sec. 2. This act shall take effect immediately.

Approved March 31, 1851.

[No. 62.]

AN ACT to provide for the construction of a bridge across Grand River in the village of Jackson.

Section 1. *The People of the State of Michigan enact*, That the qualified electors of the township of Jackson in the county of Jackson, be and they are hereby authorized, at any annual township meeting of said township, to raise by a vote of a majority of the electors present a sum of money not exceeding one thousand dollars, to be levied and collected in the same manner as other township expenses, for the purpose of making, constructing and building a bridge across Grand river, on Main or St. Joseph street, in the village of Jackson, in said township, which money when collected shall be held by the treasurer of said township subject to the order and control of the common council of said village.

Construction of a bridge across Grand River in the village of Jackson, authorized.

Sec. 2. For the purpose of determining whether the money shall be raised as provided in the preceding section, those voting in favor

Form of ballots. of such tax shall have written or printed on their ballots, "for the tax;" and those voting against such tax shall have written or printed on their ballots, "against the tax."

Power of common council. Sec. 3. The common council of the said village of Jackson shall have the direction of the making, constructing and building said bridge, and may provide for its construction by contract or otherwise, and may issue orders upon the said township treasurer for the amount hereinbefore authorized to be raised; and the township treasurer is hereby required to pay the amount of such orders, out of any moneys in his hands raised for that purpose. The said township treasurer shall have the same fees for collecting and disbursing said moneys as in other cases.

Fees of township Treasurer.

Sec. 4. The village of Jackson shall be deemed a portion of the township of Jackson for the purposes hereinbefore mentioned.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1851.

[No. 63.]

AN ACT to establish a circuit court in the county of Montcalm

Two terms of C. Court to be held annually.

Section 1. *The People of the State of Michigan enact*, That two terms of the circuit court be held in the county of Montcalm during the present year, (eighteen hundred and fifty-one,) and two terms of said court in each year thereafter, at such times as shall be hereafter appointed.

Cir. Judge to appoint the times of holding terms of Cir. Court.

Sec. 2. The circuit judge of the fifth circuit, within twenty days after the appointment of a judge for the said circuit, is hereby authorized and required to appoint the times of holding the terms of the circuit court in the county of Montcalm, required by the preceding

Copy of appointment to be transmitted to Co. Clerk. Duty of Co. Clerk.

section, and transmit to the county clerk of said county of Montcalm a copy of such appointment, which shall be filed and preserved by such clerk; and such clerk shall cause such appointment to be published once in each week for three successive weeks, in the *Grand Rapids Enquirer*, a paper published in the county of Kent, the law

publication to be at least twenty days prior to the holding of such court.

Sec. 3. This act shall take effect immediately.

Approved March 31, 1851.

[No. 64.]

AN ACT to amend section six of chapter eighty-four of title twenty of the revised statutes, relative to divorce.

Section 1. *The People of the State of Michigan enact*, That section six of chapter eighty-four and title twenty of the revised statutes, shall be and is hereby amended by adding at the end of said section the following, to stand as sub-division six: Sec. 6 of chapter 94 of revised statutes of 1846, amended.

"6. And the circuit courts may, in their discretion, upon application as in other cases, divorce from the bonds of matrimony, any party who is a resident of this State, and whose husband or wife shall have obtained a divorce in any other State;" so that said section as amended shall read as follows:

"Sec. 6. A divorce from the bonds of matrimony may be decreed by the circuit court of the county where the parties, or one of them, reside, or by the court of chancery, on the application by petition or bill of the aggrieved party, in either of the following cases: Divorce from bonds of matrimony, for what cause may be granted.

"1. Whenever adultery has been committed by any husband or wife;

"2. When one of the parties was physically incompetent at the time of the marriage;

"3. When one of the parties has been sentenced to imprisonment in any prison, jail or house of correction, for three years or more; and no pardon granted to the party so sentenced, after a divorce for that cause, shall restore such party to his or her conjugal rights;

"4. When either party shall desert the other for the term of two years;

"5. When the husband or wife shall have become an habitual drunkard;

"6. And the circuit courts may, in their discretion, upon application as in other cases, divorce from the bonds of matrimony, any

LAWS OF MICHIGAN.

party who is a resident of this State, and whose husband or wife shall have obtained a divorce in any other State."

Approved March 31, 1851.

[No. 65.]

AN ACT to amend section three of an act entitled an act to amend an act to incorporate the Indiana and Adrian Plank Road Company, approved April 3d, 1850.

Sec. 3 of act
No. 85
of 1850,
amended.

Section 1. *The People of the State of Michigan enact*, That section three of an act to amend an act entitled an act to incorporate the Indiana and Adrian plank road company, approved April third eighteen hundred and fifty, be and the same is hereby amended by striking out the word "two," in the third line, and inserting the word "five;" so that said section will read as follows:

Time extended.

"Sec. 3. The said plank road company shall have the right and privilege to commence the construction of said plank road at any time within five years from the passage of this act: if they shall within that time commence said construction and actually expend thereon ten per cent of the capital stock of said company, they shall be entitled to all the rights and privileges granted the said company in the act incorporating the same, in the same manner and to as full an extent as if they had commenced work and made such expenditure within the time provided in said act of incorporation."

Approved March 31, 1851.

[No. 66.]

AN ACT to amend sections one and three of an act entitled an act to authorize F. G. Hubinger and A. Cramer to erect and maintain a dam across the Cass river, in the county of Saginaw, approved March twentieth, eighteen hundred and forty-eight.

Sec. 1 of act
No. 92 of
1848, amended.

Section 1. *The People of the State of Michigan enact*, That the name of F. G. Hubinger be stricken out of section one of an act to authorize F. G. Hubinger and A. Cramer to erect and maintain a dam across the Cass river, in the county of Saginaw, approved March twentieth, eighteen hundred and forty-eight, and the name of John

G. Hubinger inserted; and after the word "Cramer," the words "or either of them," be inserted; so that said section when amended will read, after the enacting clause, as follows:

"Section 1. That it shall be lawful for John G. Hubinger and A. Cramer, or either of them, their heirs and assigns, and they are hereby authorized to erect, continue and maintain a dam not exceeding eight feet in height above common low water mark, across the Cass river, on section twenty-seven, in town eleven north of range six east, in Saginaw county."

Dam authorized.

Sec. 2. That section three of said act be so amended as to read as follows:

Sec. 3 amended.

"Sec. 3. Any person who shall destroy or otherwise injure said dam shall be deemed to have committed a trespass on the owner or owners or occupant thereof, and shall be liable accordingly; but nothing herein contained shall be construed to affect the rights of individuals whose land may be flowed by reason of the erection of or continuing said dam."

Liability for trespass.

Approved March 31, 1851.

[No. 67.]

AN ACT to amend section one of an act entitled an act for the relief of Thomas N. Bartlett, approved April twentieth, eighteen hundred and fifty.

Section 1. *The People of the State of Michigan enact*, That section one of an act entitled an act for the relief of Thomas N. Bartlett, approved April twentieth, eighteen hundred and fifty, be and the same is hereby amended by striking out the word "north," in the sixth line of said section, as printed, and inserting the word "south;" also by striking out the words "or the office [officer] designated by law to perform the duties heretofore devolving upon the Commissioner of the Land Office, a new deed or patent," in the seventh, eighth and ninth lines of said section, and inserting in lieu thereof the words "a new certificate;" so that said section shall read as follows, to wit:

Sec. 1 of act No. 329 of 1850, amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Thomas N. Bartlett is hereby

Entitled to
new certifi-
cate for cer-
tain lands

authorized, upon the payment of the sums due, together with the interest thereon, to the school fund, upon the purchase of the east half of the north-west quarter and the south-west quarter of the north-east quarter of section sixteen, township four south of range five west, to receive from the Commissioner of the Land Office a new certificate for said land; and said Bartlett is hereby restored to all the rights in and to said premises forfeited by the non-payment of the sums now and heretofore due upon the purchase of said premises: *Provided*, That said Bartlett shall not be entitled to the benefit of the provisions of this act, unless payment in full for all arrearages of interest due upon the premises described shall be made within two years from the passage of this act: *Provided further*, That the above described land shall not have been located by any other person."

Proviso.

Proviso

Sec. 2. This act shall be in force from and after its passage.

Approved March 31, 1851.

[No. 68.]

AN ACT to amend an act to incorporate the Peninsular Mutual Fire and Marine Insurance Company, approved March twelfth, eighteen hundred and forty-four.

Sec. 5 of
act No. 87
of 1844,
amended.

Section 1. *The People of the State of Michigan enact*, That section five of the act to incorporate the peninsular mutual fire and marine insurance company, approved March twelfth, eighteen hundred and forty-four, be and the same is hereby amended so as to read as follows:

Officers.

Election.

Term.

"Sec. 5. The stock, property and affairs of said company shall be managed and conducted by five directors, each of whom shall be a stockholder, a citizen of the United States, and a resident of this State; they shall elect from their number a president annually, and in their discretion a vice president; they shall hold their offices until others are elected in their stead; three of whom, including the president or vice president, shall constitute a quorum for the transaction of business; and at any regular meeting of any board of directors of said company, it shall be competent for any director not residing in the city of Detroit, to vote upon any question which may arise at such meeting, by proxy or attorney duly constituted; and said proxy or attorney shall be a director for the time being."

Sec. 2. That section eight of said act be and the same is hereby amended so as to read as follows: Sec 2 amended.

"Sec. 8. That the directors so elected, or any three of them, including the president or vice president, shall transact the business of said company."

Sec. 3. That section eighteen of said act be and the same is hereby amended so as to read as follows: Section 18 amended.

"Sec. 18. The directors may invest the capital stock or accumulated profits of said stocks in stocks of the United States or of any of the several States, or in bonds or stocks of the Michigan Central Railroad company, or of the city of Detroit, or in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount loaned thereon." Directors may invest capital and profits in certain stocks.

Sec. 4. That the said corporation, now known by the name of the Detroit Fire and Marine Insurance company, shall be entitled to all the benefits and liable to all the provisions of this act, if, within sixty days after the passage thereof, they shall file in the office of the Secretary of State a certificate signed by the president and a majority of the directors of such company, accepting the provisions of this act. Certificate of acceptance, where filed.

Sec. 5. This act shall take effect immediately.

Approved March 31, 1851.

[No. 69.]

AN ACT to amend section two of an act to incorporate the Flint and Fentonville Plank Road Company, approved April three, eighteen hundred and forty-eight.

Section 1. *The people of the State of Michigan enact*, That section two of "an act to incorporate the Flint and Fentonville Plank Road Company," approved April three, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows: Sec. 2 of act No. 271 of 1848, amended.

"Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Flint to the village of Fentonville, on the line of the State road between said villages, or as near said line as shall be practical, in whole or in part; and they are hereby authorized to commence the construction thereof within three years from the time limited in the act relative to plank roads, approved March thirteenth, When to commence construct'n.

eighteen hundred and forty-eight, and within the same time to expend the amount required by said act to be expended, and perform other duties therein required."

Approved April 2, 1851.

[No. 70.]

AN ACT to organize the township of Cheshire, in the county of Allegan.

Township of Cheshire organized. Section 1. *The People of the State of Michigan enact*, That township number one north of range number fourteen west, now forming a part of the township of Trowbridge, in the county of Allegan, be and the same is hereby set off from said township of Trowbridge, and organized into a separate township by the name of Cheshire, and that the first township meeting therein shall be held at the house of Samuel Lane, in said township.

Sec. 2. This act shall take effect and be in force from and after the first Monday in April, eighteen hundred and fifty-two.

Approved April 2, 1851.

[No. 71.]

AN ACT to legalize the conveyance by the board of supervisors of Hillsdale county of a portion of the public square in the village of Jonesville to E. P. Champlin.

Conveyance of certain lands to E. P. Champlin legalized. Section 1. *The People of the State of Michigan enact*, That the conveyance of a portion of the public square in the village of Jonesville in the county of Hillsdale, lying on the south side of the Chicago road, made by the board of supervisors of said county of Hillsdale to Elisha P. Champlin, on the twenty-first day of September, one thousand eight hundred and forty-two, be and the same is hereby ratified, confirmed, and made as valid in law as it would have been had the said board of supervisors been particularly authorized and empowered by law to execute the said conveyance at the time the same was made, and effectual in transferring to the said Champlin a fee simple title therein.

Sec. 2. This act shall take effect immediately.

Approved April 2, 1851.

[No. 72.]

AN ACT relative to Land Sales in Ottawa County.

Section 1. *The People of the State of Michigan enact*, That the Auditor General shall cause the statement of the lands to be sold for taxes in the county of Ottawa, in October, in the year eighteen hundred and fifty-one, to be published in "The Hollander," (a paper published in said county,) which statement shall be published in the same manner, for the same time and to the same effect as like statements required by law to be published in other cases.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1851.

[No. 73.]

AN ACT to change the names of Eliza J. Robson and Catharine Robson.

Section 1. *The People of the State of Michigan enact*, That the names of Eliza J. Robson and Catharine Robson, be and the same are hereby changed; Eliza J. Robson to Eliza J. Twitchel, and Catharine Robson to Catharine Twitchel.

Sec. 2. This act shall take effect immediately.

Approved April 2, 1851.

[No. 74.]

AN ACT to amend section seventy-six, chapter fifty-eight, title eleven of the revised statutes of eighteen hundred and forty-six, in relation to primary schools.

Section 1. *The People of the State of Michigan enact*, That section seventy-six of chapter fifty-eight, title eleven of the revised statutes of eighteen hundred and forty-six, be amended by inserting at the end of said section the following: "*Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school house, shall be entitled to any portion thereof, nor to be taken into account in such division of district property;" so that said section shall read as follows:

Sec. 76
chap. 58 of
revised statutes
amended.

How proportion to be ascertained.

Proviso.

"Sec. 76. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school house, shall be entitled to any portion thereof, nor be taken into account in such division of district property."

Approved April 2, 1851.

[No. 75.]

AN ACT to amend section one of an act entitled an act in aid of the Michigan State Agricultural Society, approved March 31, 1849.

Sec. 1 of act No. 197 of 1849, amended.

Section 1. *The People of the State of Michigan enact*, Strike out section one of an act entitled an act in aid of the Michigan State agricultural society, approved March thirty-first, eighteen hundred and forty-nine, and substitute instead of said section the following, to wit:

Appropriation of \$400 per annum to Agricultural Society, on certain conditions.

"Section 1. *The People of the State of Michigan enact*, That when the treasurer of the Michigan State agricultural society shall make and subscribe an affidavit of the fact that such society has raised the sum of four hundred dollars by voluntary subscriptions or by fees for membership, and shall present the same to the Auditor General, it shall be the duty of the Auditor General to draw his warrant upon the State Treasurer for a like sum of four hundred dollars, to be paid to the said treasurer of the Michigan State agricultural society, at least ten days prior to the time which shall be appointed for the next annual meeting and fair of said society; and a like appropriation is hereby made to be paid in like manner and upon the same conditions, for the year eighteen hundred and fifty; and the sum of one thousand dollars for the year eighteen hundred and fifty-one and eighteen hundred and fifty-two, to be paid in like manner and upon the same conditions."

\$1,000 for 1851 and 1852.

Approved April 2, 1851.

[No. 76.]

AN ACT to amend sections twenty-five and twenty-six of chapter one hundred and twenty-three, title twenty-four of the revised statutes of eighteen hundred and forty-six, concerning proceedings to recover the possession of land in certain cases.

Section 1. *The People of the State of Michigan enact*, That sections twenty-five and twenty-six of chapter one hundred and twenty-three, title twenty-four of the revised statutes of eighteen hundred and forty-six, concerning proceedings to recover the possession of land in certain cases, be and the same are amended by striking out section twenty-five, and substituting a new section to stand as section twenty-five; also by striking out the word "ten," in the second line of section twenty-six, as printed, and inserting the word "five;" so that said sections when amended will read as follows, to wit:

"Sec. 25. Either party conceiving himself aggrieved by the determination or judgment of the commissioner or judge, made or rendered under the provisions of this chapter, may appeal therefrom to the circuit or district court for the same county, within the same time, in the same manner, and a return may be compelled, and the same proceedings shall be thereupon had, as near as may be, and with the like effect, as in cases of appeals from judgments rendered before justices of the peace, and costs shall be awarded and collected in the circuit court in the same manner. But before any appeal by a defendant shall be allowed, he shall, in addition to the usual recognition, make and execute to the complainant a bond, in the penalty to be fixed by the judge or commissioner, not less than twice the amount of the annual rent of the premises in dispute, with good and sufficient sureties, who shall justify, and also be approved by said judge or commissioner, conditioned that if the complainant obtain restitution of said premises in said suit, the said defendant will forthwith pay all the rent due or to become due the complainant for the premises described in the complaint, up to the time said complainant shall obtain possession thereof, together with costs of suit in prosecuting said complaint and obtaining restitution of said premises; which bond shall be delivered to said complainant, or his agent or attorney; and if the complainant obtain restitution of said premises, he may, at his election, sue and recover on said bond, or bring his action against the defendant, under section twenty-four of this chapter."

Sections 25 and 26 of chap. 123 of the revised statutes of 1846 amended.

Appeal; when made.

Bond required.

How complainant obtaining restitution may recover damages.

When writ
of restitu-
tion not to
issue on
judgment.

"Sec. 26. No writ of restitution shall be issued under the provisions of this chapter, until the expiration of five days after the entry of judgment of restitution; and in case of an appeal within that time, no writ of restitution shall issue until such appeal be determined in the circuit court."

Approved April 2, 1851.

[No. 77.]

AN ACT to authorize the Treasurer of the township of Ridgeway, Lenawee county, to collect certain taxes.

Preamble.

Whereas, by an act approved March twenty-eighth, eighteen hundred and fifty, entitled "an act to organize certain townships, and for other purposes," sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of the township of Ridgeway, in Lenawee county, were taken from the said township of Ridgeway and attached to the township of Blissfield, in said county;

And whereas, the supervisor of the township of Ridgeway, before having any knowledge of the passage of the said act, proceeded, at the time prescribed by law for the assessment of taxes, to assess taxes for the year eighteen hundred and fifty, upon the sections above described, and the supervisor of the township of Blissfield aforesaid, for the same reason, made no assessment of taxes thereon for said year; therefore,

Power of
township
treasurer.

Section 1. *The people of the State of Michigan enact*, That the present treasurer of the township of Ridgeway is hereby authorized and empowered to collect the taxes assessed in the year one thousand eight hundred and fifty, on the sections which were, by the act to organize certain townships, and for other purposes, approved March twenty-eighth, eighteen hundred and fifty, taken from the township of Ridgeway and attached to the township of Blissfield, and make return thereof to the treasurer of the county of Lenawee, on or before the first Monday in June next after the passage of this act.

When and
where to
make return
of taxes.

Warrant re-
newed.

Sec. 2. For the purposes mentioned in the first section of this act, the warrant attached to the assessment roll of said township of Ridgeway for the year one thousand eight hundred and fifty, is hereby renewed and continued in force until the said first Monday in June.

Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all moneys collected in the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Lenawee. Renewal of bond.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be by him returned to the Auditor General, in like manner and with like effect as they would have been if said sections had not been taken from the township of Ridgeway and attached to the township of Blissfield; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as they would have been for the year eighteen hundred and fifty, if said sections had not been taken from the township of Ridgeway and attached to the township of Blissfield, and had been duly returned to the Auditor General for non-payment. Transcript of unpaid taxes, how returned.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1851.

[No. 78.]

AN ACT to amend an act to incorporate the Mt. Clemens and Romeo Plank Road Company.

Section 1. *The People of the State of Michigan enact*, That the Mt. Clemens and Romeo Plank Road Company shall have power to continue and extend said plank road from some point in the village of Almont, in the county of Lapeer, on the most eligible route to the Imla Mills, (so called,) now owned and occupied by Samuel Rogers & Co., in the township of Imlay, in said county of Lapeer. And also to continue and extend said plank road from the point of the commencement of its surveyed and recorded route, on the westerly line of Court street, in the centre of Cass street, in the village of Mt. Clemens, in the county of Macomb, by the way of Court street, Macomb street, and Front street, to a point in the centre of Front street, opposite or near to the glass manufactory in said village of Mt. Clemens. And the directors of said company may Extension of road authorized.

Directors
may change
location of
road.

change the location of the road through the village of Romeo, to any other street than that on which the same has been located, first obtaining consent of the proper authorities to take and use any other street for that purpose.

Approved April 2, 1851.

[No. 79.]

AN ACT to provide for auditing and paying the expenses of the Constitutional Convention.

Board of
State Audi-
tors autho-
rized and
required to
audit cer-
tain claims.

Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors be hereby required to audit the claims of C. J. Fox, one of the reporters, John Swegles, Jr. and Horace S. Roberts, secretaries of the constitutional convention, for services rendered in pursuance of resolutions of said convention, adopted August fifteenth, eighteen hundred and fifty, and also all other claims against the State for or on account of expenditures of the convention to revise the constitution, including the translation and publication of said revised constitution, and to certify to the Auditor General the amount found due to the said claimants respectively: *Provided*, That weekly, semi-weekly, tri-weekly and daily newspapers publishing the constitution be considered but one newspaper: *Provided further*, That no claim shall be paid from the appropriation made in this act, until the same shall have been first audited and settled by the State Auditors, the amount paid to C. J. Fox not to exceed three dollars a day for the time actually and necessarily employed, and the amount paid for binding debates not to exceed the customary price for such work.

Amount
found due to
be certified
to Auditor
General.

Proviso.

Proviso.

Amount of
claims, how
paid.

Sec. 2. The Auditor General shall draw his warrant upon the State Treasurer in favor of the respective claimants for the amounts so certified to be due them, and the State Treasurer shall pay said warrants on presentation, out of any moneys appropriated for that purpose.

Amount ap-
propriated.

Sec. 3. The sum of six thousand dollars is hereby appropriated out of any moneys belonging to the general fund, for the purposes above specified.

Sec. 4. This act shall take effect immediately.

Approved April 4, 1851.

[No. 80.]

AN ACT to authorize and direct the Secretary of State to execute by deed a conveyance of a certain tract of land to Robert B. McKay.

Section 1. *The People of the State of Michigan enact*, That the Secretary of State be and he is hereby authorized and directed to execute a proper deed of conveyance of the south-east fraction of fractional section number sixteen, in township seven south of range number eight east, to Robert B. McKay, late of Monroe county.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 81.]

AN ACT to amend sections one and two of an act entitled an act to incorporate the Pioneer Smelting Company of the Upper Peninsula of Michigan, approved March 10, 1847.

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the Pioneer Smelting company of the upper peninsula of Michigan, be and the same is hereby amended so as to read as follows: Sec. 1 of act No. 51 of 1847, amended.

"Section 1. That Mortimer Livingston, Samuel Ward, John F. Butterworth, Fulton Cutting, Henry Ledyard, Israel Coe and J. N. Elliott, are hereby constituted a body corporate, by the name of the Pioneer Smelting Company, for the purpose of mining, smelting and manufacturing iron, copper and other metals, (except precious metals,) in the upper peninsula of Michigan, and in such other place or places within the State, as said company may hereafter determine upon, in all the varieties of manufacture of which said metals are capable of being wrought, and to have and exercise all the powers necessary for the same." Names of corporators.

Sec. 2. That section two of said act be and the same is hereby amended by striking out the word "fifty," and substituting the word "twenty;" so that said section shall read: Sec 2 amended.

"Sec. 2. The said corporation shall have succession, and its capital stock shall be two hundred thousand dollars, in shares of twenty dollars each, and shall only hold, either by purchase or otherwise, Capital stock."

and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of
board of su-
pervisors.

May compel
co. to keep
bridge in
repair.

Sec. 14. If any person shall at any time make complaint in writing, to any board of supervisors, and deliver the same to the clerk of such board, in any county in which any such bridge or any part thereof is situated, that such bridge is out of repair, such board or the clerk thereof shall cause notice to be given to the gate keeper or receiver of tolls of the time at which said board will hear such complaint; and at the time specified in such notice, unless the board shall be satisfied that such bridge has been since repaired, they shall proceed to hear the evidence that may be produced touching the matter aforesaid; and they may order such bridge to be repaired within such reasonable time as they may think proper; and shall cause notice thereof to be given to some director or the receiver of tolls; and if the same shall not be repaired within the time so fixed, or within ten days thereafter, such board may declare the [said] bridge forfeited to the township in which the same is situated; and the said bridge, and all its appurtenances, shall thereupon become vested in such township as a free bridge.

Subject to
general
laws.

Sec. 15. The Legislature may at any time alter or amend this act, and all companies formed under this act shall at all times be subject to all general laws in force relative to bridge companies.

Sec. 16. This act shall take effect immediately.

Approved April 4, 1851.

[No. 84.]

AN ACT to establish the township line between the townships of Clinton and Harrison, in the county of Macomb.

Section 1. *The People of the State of Michigan enact*, That the township line between the townships of Clinton and Harrison, in the county of Macomb, shall be on the following described line: "Commencing at a stake on the north line of the township of Erin, bearing tree, elm, forty inches diameter, north, sixty-seven and one-

third degrees east, three hundred and ninety-seven links distant, said stake also twenty-five chains west on the aforesaid north line of the town of Erin, from the stake at the point where said north line of Erin intersects the waters of Lake St. Clair; thence north, two degrees thirty-eight minutes east, two hundred and ninety-two chains and fifty-seven links, to a buttonwood stump on the north bank of the Clinton river, said stump being the south west corner of George Kellog's farm, (now Theron Shook's;) thence north, two degrees and thirty-eight minutes east, on said west line of said Theron Shook's farm, to the north-west corner thereof; thence due north until it intersects the south line of the township of Macomb, being town three north of range thirteen east."

Approved April 4, 1851.

[No. 85.]

AN ACT to regulate proceedings in attachment against foreign corporations in certain cases.

Section 1. *The People of the State of Michigan enact*, Whenever an action shall be commenced by attachment against a foreign corporation, and proceedings by garnishment shall also be commenced in the same action, if it shall appear on the return of the writ of attachment, that a copy thereof, and also copies of all garnishee summons issued in said action, have been personally served on any officer, member, clerk or agent of such foreign corporation within this State, the same proceedings may be thereupon had in said action against said corporation, and in the same manner, as upon the return of a summons personally served in actions against natural persons.

Proceedings
in attach-
ment
against for-
eign corpo-
rations;
how regula-
ted.

Sec. 2. The rights and liabilities of garnishees in such cases, and the proceedings against them, shall be the same in all respects as is provided by law in other cases of garnishment.

Approved April 4, 1851.

[No. 86.]

AN ACT authorizing the board of State Auditors to examine and settle the claim of Eneas Daly.

Section 1. *The People of the State of Michigan enact*, That the

Board of State Auditors authorized to settle the claim of Eneas Daly.

Provided.

board of State Auditors be and they are hereby required to examine and settle the claim of Eneas Daly for damages to him occasioned by the commissioner of the State Land Office, in apportioning and distributing certain salt spring lands on sections one (1) and twelve, (12,) in the township of Saline in the county of Washtenaw, on which said Daly resided, and by which apportionment he was excluded from any share thereof: *Provided*, The said Eneas Daly shall first stipulate in writing that the finding and decision of the said board of State Auditors shall be and remain a final adjustment of said matter between him and the State, and also upon the said Eneas Daly producing satisfactory evidence that he is legally or equitably entitled to the amount of any damages; and if the board shall find the said Daly entitled to any damages, they shall certify the amount so found due the said Eneas Daly to the Auditor General, who is hereby authorized and required to draw his warrant on the State Treasurer for the sum so found due, and the State Treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 87.]

AN ACT to authorize the reapportionment of certain primary school interest moneys, in the county of Branch.

Duty of Superintendent public instruction.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction is hereby authorized and required to add to his apportionment of primary school money to the county of Branch, to be made on the first day of May next, or as soon thereafter as practicable, the sum of eleven hundred and thirty-three dollars and ninety cents, in addition to the amount to which the said county is entitled for the school year last past.

Notice of apportionment required.

Sec. 2. Like notice shall be given of the apportionment of the said amount as is required in sections one hundred and twenty (120) and one hundred and twenty-one (121) of the revised statutes of eighteen hundred and forty-six, and the same shall be payable on the

warrant of the Auditor General to the treasurer of the said county of Branch.

Sec. 3. This act shall take effect immediately.

Approved April 4, 1851.

[No. 88.]

AN ACT for the relief of Peter Patterson.

Section 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office be and he is hereby directed to sell to Peter Patterson, at five dollars per acre, and on the terms established by law for the sale of normal school lands, the south-west quarter of the south-west quarter of section thirty-four, in township seven north of range twelve west: *Provided*, Said Patterson shall make application for said land within one year from the passage of this act.

Approved April 4 1851.

[No. 89.]

AN ACT relative to Reports of the Decisions of the Supreme Court.

Section 1. *The People of the State of Michigan enact*, That the present reporter of the decisions of the supreme court, who was appointed in July last, prepare and report the decisions of said court made in eighteen hundred and forty-seven, and in eighteen hundred and forty-eight and eighteen hundred and forty-nine, and not already reported; and that he be allowed therefor a just and reasonable compensation, not exceeding eight hundred dollars, to be determined by the Board of State Auditors, after the same shall have been done; and that a warrant for the sum so allowed be drawn upon the State Treasurer, payable out of any moneys in the treasury not otherwise appropriated.

Duty of Reporter of Supreme Court.

Compensation.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 90.]

AN ACT to incorporate the village of Mt. Clemens.

Section 1. *The People of the State of Michigan enact, That* all the inhabitants of this State residing or hereafter to reside within the following boundaries, to wit: commencing at a point in the centre of the Clinton river upon the township line between the townships of Harrison and Clinton, in the county of Macomb, thence following the centre of the said Clinton river up stream to a point where the westerly line of private land claim number one hundred and thirty-nine (being a tract of land originally patented by the government of the United States to one Richard Patterson) strikes the centre of said river, thence following said westerly line of said private land claim number one hundred and thirty-nine, northwardly to a point on said westerly line from which a line running due east will run along and form the south line of the farm now owned and occupied by the widow and heirs of the late — Mitchell, deceased; thence easterly in the same direction with the south line of said Mitchell farm until it strikes the said township line between the townships of Clinton and Harrison; thence on said township line to the place of beginning, be and the same are hereby ordained, constituted and declared to be, from time to time forever hereafter, one body politic and corporate in fact and in name, by the name of the president and trustees of the village of Mt. Clemens; and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded in all suits of what nature soever; and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village. And the territory embraced within the boundaries aforesaid shall be designated and known as the village of Mt. Clemens.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at the court house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot a president, recorder

and five trustees, who shall hold their office for one year, and until their successors are elected and qualified; and any four of said officers shall constitute a village council for the transaction of business, and a less number may adjourn from time to time; but if an election of said officers or any one of them shall not be made on the day when, pursuant to this act, it ought to be made, it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election; and at all subsequent elections, the trustees, or any two or more of them, shall be judges, and the recorder of the village shall be the clerk of the election; at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at three in the afternoon; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the recorder shall make a true record thereof, and within five days after such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter; and it shall be the duty of the recorder to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof in five or more public places in said village, or by causing the same to be published in some public newspaper.

Sec. 4. The president, recorder, and each one of the trustees, before he enters upon the duties of his office, and in the presence of the village council, shall take an oath or affirmation, which oath or affirmation may be administered by any one of the council present, to support the constitution of the United States and the constitution of this State, and that he will faithfully and impartially discharge the duties of the office of president, recorder or trustee, as the case may be, of said village, according to the best of his abilities.

Sec. 5. It shall be the duty of the president to preside at all meet-

Term of office.

Judges of election.

Oath.

Time of opening polls.

Proclamation of statement of votes.

Duty of recorder.

Constitutional oath required of officers.

and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of
board of su-
pervisors. Sec. 14. If any person shall at any time make complaint in writing, to any board of supervisors, and deliver the same to the clerk of such board, in any county in which any such bridge or any part thereof is situated, that such bridge is out of repair, such board or the clerk thereof shall cause notice to be given to the gate keeper or receiver of tolls of the time at which said board will hear such complaint; and at the time specified in such notice, unless the board shall be satisfied that such bridge has been since repaired, they shall proceed to hear the evidence that may be produced touching the matter aforesaid; and they may order such bridge to be repaired May compel
board to keep
bridge in
repair. within such reasonable time as they may think proper; and shall cause notice thereof to be given to some director or the receiver of tolls; and if the same shall not be repaired within the time so fixed, or within ten days thereafter, such board may declare the [said] bridge forfeited to the township in which the same is situated: and the said bridge, and all its appurtenances, shall thereupon become vested in such township as a free bridge.

Subject to
general
laws. Sec. 15. The Legislature may at any time alter or amend this act, and all companies formed under this act shall at all times be subject to all general laws in force relative to bridge companies.

Sec. 16. This act shall take effect immediately.

Approved April 4, 1851.

[No. 84.]

AN ACT to establish the township line between the townships of Clinton and Harrison, in the county of Macomb.

Section 1. *The People of the State of Michigan enact*, That the township line between the townships of Clinton and Harrison, in the county of Macomb, shall be on the following described line: "Commencing at a stake on the north line of the township of Erin, bearing tree, elm, forty inches diameter, north, sixty-seven and one-

lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the council for that purpose.

8. To keep the public highways and bridges within the corporate limits in repair.

9. To cause the streets, alleys, sidewalks and public highways, and every part thereof, to be kept free from obstruction.

10. To lay out new streets and alleys, and to extend such as are laid out: *Provided*, That the land of any individual shall not be taken for such purpose until said individual shall be paid the value thereof, and of all buildings upon said land, and all damage he will sustain to be ascertained as hereinafter mentioned.

11. To lay taxes on all personal and real estate within the limits of said village excepting property belonging to the village, town, county or state, excepting also places of public worship belonging to any church or congregation, and all school houses.

12. For the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said village council may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Clinton; and any interest the inhabitants of the village of Mt. Clemens, as a body corporate, may have in the fine and penalty to be recovered, shall not disqualify any inhabitants of said village to try such cause or serve as juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

13. And all such sum or sums of money as may be received into the village treasury for licenses, or collected for fines or penalties, may be appropriated by the council as they may deem for the best interests of the village.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken; the village council shall appoint two commissioners, and the owner of the property to be taken may appoint two, and the four

Damage;
how ascer-
tained.

Commissioners to assess value of property taken for streets, &c.

shall choose a fifth; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him; which commissioners shall be disinterested, and inhabitants of said county, and freeholders therein, and who shall take an oath or affirmation to be administered by the president of the village, well and truly and without partiality or favor, to value the property to be taken, and the damage to the owner as aforesaid; and to assess the same upon the property benefitted by the improvement, and to report such valuation and assessment to the council; which report, when confirmed by the circuit court of the county, and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report may object to its confirmation, by affidavit or otherwise; and the said court may refer the same back to the old commissioners, or new commissioners to be appointed by the court, to make a new valuation and assessment, as often as the court may deem the same necessary to promote the ends of justice. Property lying upon the streets to be opened or continued only, shall be assessed for opening or continuing a street, which shall be assessed upon property benefitted thereby; and no new street shall be opened unless two-thirds of the interest thereby affected shall petition for the same.

Lien on real estate for taxes.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for opening or continuing a street or alley, or grading or paving a street or alley, or making sidewalks, shall remain a lien upon said estate until paid.

Statement of receipts and expenditures to be published

Sec. 9. The village council shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted up on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

When by-laws to take effect; evidence of publication.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at

large upon the records of said corporation by the recorder thereof, shall be deemed prima facie evidence of such publication.

Sec. 11. It shall be the duty of the council, once in each Taxes; how apportioned and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under Warrant for collection directed to the marshal the hands and seals of said president, recorder and trustees, or a majority of them, directed to and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day to be therein named, not less than forty days from the date of said warrant: *Provided*, That the village council shall not in any one year Proviso. raise by tax a sum exceeding two and one-half mills on a dollar of the assessed valuation of the real and personal property in the said village, unless the electors thereof shall, in legal meeting assembled, authorize a larger sum to be raised: *And provided further*, That the council shall not create a debt against the corporation greater in Proviso. any one year than the amount of tax they are authorized to raise for such year: *And provided further*, Said council shall be and are hereby Proviso. authorized to call special meetings of the electors of the village for the purpose of taking a vote of such electors as to raising a larger sum than the council can by this act raise. 4

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained shall Marshal may sell goods and chattels for delinquent taxes.

[No. 90.]

AN ACT to incorporate the village of Mt. Clemens.

Section 1. *The People of the State of Michigan enact*, That all the inhabitants of this State residing or hereafter to reside within the following boundaries, to wit: commencing at a point in the centre of the Clinton river upon the township line between the townships of Harrison and Clinton, in the county of Macomb, thence following the centre of the said Clinton river up stream to a point where the westerly line of private land claim number one hundred and thirty-nine (being a tract of land originally patented by the government of the United States to one Richard Patterson) strikes the centre of said river, thence following said westerly line of said private land claim number one hundred and thirty-nine, northwardly to a point on said westerly line from which a line running due east will run along and form the south line of the farm now owned and occupied by the widow and heirs of the late — Mitchell, deceased; thence easterly in the same direction with the south line of said Mitchell farm until it strikes the said township line between the townships of Clinton and Harrison; thence on said township line to the place of beginning, be and the same are hereby ordained, constituted and declared to be, from time, to time forever hereafter, one body politic and corporate in fact and in name, by the name of the president and trustees of the village of Mt. Clemens; and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded in all suits of what nature soever; and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village. And the territory embraced within the boundaries aforesaid shall be designated and known as the village of Mt. Clemens.

Corporation
limits, and
time.

President
and trustees
to be body
corporate,
&c.

May hold
real estate.

Election of
officers.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at the court house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot a president, recorder

and five trustees, who shall hold their office for one year, and until their successors are elected and qualified; and any four of said officers shall constitute a village council for the transaction of business, and a less number may adjourn from time to time; but if an election of said officers or any one of them shall not be made on the day when, pursuant to this act, it ought to be made, it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed.

Term of office.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election; and at all subsequent elections, the trustees, or any two or more of them, shall be judges, and the recorder of the village shall be the clerk of the election; at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at three in the afternoon; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the recorder shall make a true record thereof, and within five days after such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter; and it shall be the duty of the recorder to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof in five or more public places in said village, or by causing the same to be published in some public newspaper.

Judges of election.

Oath.

Time of opening polls.

Proclamation of statement of votes.

Duty of recorder.

Sec. 4. The president, recorder, and each one of the trustees, before he enters upon the duties of his office, and in the presence of the village council, shall take an oath or affirmation, which oath or affirmation may be administered by any one of the council present, to support the constitution of the United States and the constitution of this State, and that he will faithfully and impartially discharge the duties of the office of president, recorder or trustee, as the case may be, of said village, according to the best of his abilities.

Constitutional oath required of officers.

Sec. 5. It shall be the duty of the president to preside at all meet-

Duty of
president
and recorder.

ings of the council; but in case of his absence, any trustee appointed by the council to preside at such meetings; and it is the duty of the recorder to attend all meetings of the council, to keep a fair and accurate record of their proceedings, and perform other duties as shall be assigned him by the by-laws of the council.

Powers of
village
council.

Sec. 6. The village council shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and amend at pleasure, for the following purposes:

1. For the election or appointment of a treasurer, three assessors, a marshal and other officers for said village, and to prescribe their duties, declare their qualifications, and the period of their term of office or election; provided that no officer shall hold his office for more than one year, or until others be elected or be appointed in his stead; and any one of them shall be entitled to receive for his services a reasonable fee, to be fixed by the council; and to require of any or of all of them an oath or affirmation to faithfully and impartially to discharge the duties of their respective offices; and to require of any of them such security, by bond, for the performance of the duties of their respective offices as may be thought expedient, which bond shall run to the treasurer of the village and his successors in office; and said treasurer, or his successors, shall have power to sue for all breaches of the same, in any justice of the peace, or the circuit court of said county, and to recover the amount claimed, which courts are hereby authorized to hear, try and determine the same.

2. To prohibit the running at large of swine, cattle, mules, horses, goats and sheep, within the limits of said village.

3. To regulate the building of partition and other fences.

4. To purchase fire engines, and other necessary apparatus for extinguishing of fires; to cause each building occupied as a house, store, or warehouse, to be provided with fire buckets; and to prescribe the manner in which stoves, with their pipes, in actual use, shall be put up, and chimneys built to guard against fires.

5. To remove nuisances.

6. To regulate the licensing of all public shows in said village, and to prescribe the sums to be paid into the treasury thereof.

7. To grade the streets and alleys, and pave them, and to cause sidewalks to be made, and the expense thereof to be assessed

lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the council for that purpose.

8. To keep the public highways and bridges within the corporate limits in repair.

9. To cause the streets, alleys, sidewalks and public highways, and every part thereof, to be kept free from obstruction.

10. To lay out new streets and alleys, and to extend such as are laid out: *Provided*, That the land of any individual shall not be taken for such purpose until said individual shall be paid the value thereof, and of all buildings upon said land, and all damage he will sustain to be ascertained as hereinafter mentioned.

11. To lay taxes on all personal and real estate within the limits of said village excepting property belonging to the village, town, county or state, excepting also places of public worship belonging to any church or congregation, and all school houses.

12. For the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said village council may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Clinton; and any interest the inhabitants of the village of Mt. Clemens, as a body corporate, may have in the fine and penalty to be recovered, shall not disqualify any inhabitants of said village to try such cause or serve as juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

13. And all such sum or sums of money as may be received into the village treasury for licenses, or collected for fines or penalties, may be appropriated by the council as they may deem for the best interests of the village.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken; the village council shall appoint two commissioners, and the owner of the property to be taken may appoint two, and the four

How ascer-
tained.

Commissioners to assess value of property taken for streets, &c.

shall choose a fifth; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him; which commissioners shall be disinterested, and inhabitants of said county, and freeholders therein, and who shall take an oath or affirmation to be administered by the president of the village, well and truly and without partiality or favor, to value the property to be taken, and the damage to the owner as aforesaid; and to assess the same upon the property benefitted by the improvement, and to report such valuation and assessment to the council; which report, when confirmed by the circuit court of the county, and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report may object to its confirmation, by affidavit or otherwise; and the said court may refer the same back to the old commissioners, or new commissioners to be appointed by the court, to make a new valuation and assessment, as often as the court may deem the same necessary to promote the ends of justice. Property lying upon the streets to be opened or continued only, shall be assessed for opening or continuing a street, which shall be assessed upon property benefitted thereby; and no new street shall be opened unless two-thirds of the interest thereby affected shall petition for the same.

Lien on real estate for taxes.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for opening or continuing a street or alley, or grading or paving a street or alley, or making sidewalks, shall remain a lien upon said estate until paid.

Statement of receipts and expenditures to be published.

Sec. 9. The village council shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted up on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

When by-laws to take effect; evidence of publication.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at

large upon the records of said corporation by the recorder thereof, shall be deemed prima facie evidence of such publication.

Sec. 11. It shall be the duty of the council, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said president, recorder and trustees, or a majority of them, directed to and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day to be therein named, not less than forty days from the date of said warrant: *Provided*, That the village council shall not in any one year raise by tax a sum exceeding two and one-half mills on a dollar of the assessed valuation of the real and personal property in the said village, unless the electors thereof shall, in legal meeting assembled, authorize a larger sum to be raised: *And provided further*, That the council shall not create a debt against the corporation greater in any one year than the amount of tax they are authorized to raise for such year: *And provided further*, Said council shall be and are hereby authorized to call special meetings of the electors of the village for the purpose of taking a vote of such electors as to raising a larger sum than the council can by this act raise. ⁴

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same; and in case the goods and chattels distrained shall

Taxes; how apportioned

Warrant for collection directed to the marshal

Proviso.

Proviso.

Proviso.

Marshal may sell goods and chattels for delinquent taxes.

be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

When real estate to be sold for taxes.

Treasurer to give notice of sale.

Sec. 13. The tax upon real estate, with all assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself; and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged such tax and assessments and interest, to be sold at public auction, at some public house in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; and affidavit of said publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of publication.

Certificate to be given to purchaser.

When deed to issue.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the said certificate, shall not, within one year from the date thereof, pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given an abso

late estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, and acknowledged, witnessed and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.

*Fees of
Treasurer.*

Sec. 16. The said corporation shall be allowed the use of the common jail of the county of Macomb, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases.

*Corporation
may use Co.
jail.*

Sec. 17. This act shall be favorably construed, and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

*Act to be re-
ceived as
evidence.*

Sec. 18. No person shall vote at any election held under this act, unless he shall be an elector under the laws of this State, and shall have been a resident within the bounds of this corporation for three months next preceding such election.

*Qualificat'n
of electors.*

Sec. 19. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation one year next preceding his election.

*Eligibility
to office.*

Sec. 20. This act shall take effect immediately.

Approved April 4, 1851.

[No. 91.]

AN ACT to amend section two of an act to incorporate the Monroe and Saline Plank Road Company, approved April third, eighteen hundred forty-eight.

Sec. 2 of
act No. 280
of 1844,
amended.

Section 1. *The People of the State of Michigan enact, That* section two of an act to incorporate the Monroe and Saline plank road company, approved April third, one thousand eight hundred and forty-eight, be and the same is hereby amended by adding at the end of said section the following: "and for the purpose of constructing such branch, said company may enter upon, take and use the public highway leading from the village of Dundee to the main road leading from the city of Monroe to the village of Saline;" so that said section, when amended, shall read as follows:

Route.

"Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Saline, in the county of Washtenaw, on the most eligible route to any point within the city of Monroe, in the county of Monroe, and a branch thereof from the village of Dundee, and connecting with said road at a point as near the River Raisin as may be; and for the purpose of constructing such branch, said company may enter upon, take and use the public highway leading from the village of Dundee to the main road leading from the city of Monroe to the village of Saline."

Co. authorized to
construct
branch.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 92.]

AN ACT to amend sections four, five, six and eleven, and to repeal section seventeen, of an act entitled an act to incorporate the Cotton-wood swamp turnpike company, approved March ninth, one thousand eight hundred and forty-four.

Sec. 4 of act
No. 44 of
1844,
amended.

Section 1. *The People of the State of Michigan enact, That* section four of an act entitled an act to incorporate the Cotton-wood swamp turnpike company, approved March ninth, one thousand eight hundred and forty-four, be and the same is hereby amended by striking out all of said section four from the word "road," in the twelfth line, to and including the word "year," in the twenty-third line; so that said section will read:

"Sec. 4. That for the furtherance of the objects of this corporation, and the promotion of internal improvements, the said company be and they are hereby authorized to take possession of that portion of the Territorial or State road commencing in the county of Monroe, at the south line of the State of Michigan, opposite the town of Sylvania in the State of Ohio, and terminating at the east end of the bridge across the river Raisin in the village of Blissfield, Lenawee county; that upon or near the line of said road it shall cause to be constructed a good and sufficient turnpike, at least twenty feet wide inside of ditches, which ditches shall be of sufficient depth and width with under sluices and outlets to drain the water from said road; wherever other roads intersect said turnpike road, the said ditches on either side shall be so constructed and covered as to admit the convenient passage of carriages of any description."

Co. authorized to take possession of portions of certain road.

Co. to construct turnpike.

Sec. 2. That section five of said act be and the same is hereby amended by striking out of the third line of said section the words "associate judge," and inserting in lieu thereof the words "judge of probate;" also, by striking out the word "they," in the fifth and sixth lines, and inserting in lieu thereof the word "he;" so that said section will read:

Sec. 5 amended.

"Sec. 5. When the president and directors shall have completed said road, or five miles thereof, it shall be lawful for them to give notice thereof to the judge of probate of Lenawee county, who shall personally examine from time to time such portions of said road as may be completed, and if he finds the same done according to the true intent and meaning of this act, he shall certify the same in writing to the clerk of said county of Lenawee, and direct him to issue a license, under the seal of the said county, to permit said president and directors to make and erect as many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to said incorporation, from all persons traveling or using the same; *Provided however*, That they shall not have on said road more than one gate for taking whole toll, or two gates for taking half toll."

Notice to judge of probate.

His duty.

License to erect toll-gates.

Proviso.

Sec. 3. That section six of said act be and the same is hereby amended by striking out all after the words, "to wit," in the sixth line, and inserting in lieu thereof the following, to wit: "At a rate not

Sec 6 amended.

exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile;" so that said section as amended will read:

Rates of toll. "Sec. 6. As soon as the whole or part of said road shall be completed, and permission as aforesaid granted to erect a gate or gates across the same, it shall be lawful for the president and directors to appoint toll gatherers to collect and receive from all and every person and persons using said road at said whole toll gate, or at each half toll-gate in proportion, such tolls and duties, to wit: at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile."

**Sec. 11
amended.**

Sec. 4. That section eleven of said act be and the same is hereby amended by striking out in first and second lines, the words "either of" and "associate judges," and inserting in lieu thereof the words "judge of probate." Strike out all after the word "said," in fourth line, to and including the word "shall," and insert in lieu thereof the words "judge of probate to." Strike out the word "judges," in the sixth and seventh lines, and insert "judge," in the twenty-fifth, thirty-second and thirty-sixth lines, and insert "judge." Strike out the word "them," in the twenty-sixth line, and insert "him:" also, "they are," in the twenty-eighth line, and insert "he is;" so that said section when amended will read as follows:

**Duty of
Judge of
probate.**

"Sec. 11. Whenever complaint shall be made to the judge of probate mentioned in the fifth section of this act, in writing, that any part or parts of said road are out of repair, it shall be the duty of said judge of probate to proceed to and examine such part or parts of said road and view the same; and if the same shall, in the view of the said judge, be out of repair, then the said judge shall give

notice in writing of such defect to the toll-gatherer or person attending the gate nearest the place out of repair; and may also, in his discretion, in the said notice, order such gate or gates to be thrown open, and no tolls shall be demanded until said road is put in complete repair; and if such keeper of the gates shall not immediately after the receipt of said notice, open such gate or gates and keep the same open till such repairs are completed, or shall hinder or detain any person or persons from passing said gates, or shall take or demand toll from any person or persons after receiving such notice, and until such repairs are completed as aforesaid, the toll-gatherer or gate keeper so detaining any person shall forfeit the sum of twenty-five dollars for each and every offence, to be recovered before any justice of the peace in an action of debt in any town where said detention occurs; and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were issued against said company in its corporate name; and the said judge, as a compensation for the duties required of him to perform by virtue of this act, shall receive one dollar and fifty cents per day for his services every day he is employed, to be paid by the toll gatherer nearest where the services were rendered, out of any moneys collected at such places; and in default of such payments by said toll gatherer, the stockholders shall be individually liable to said judge; *Provided*, That whenever it shall appear to said judge that such complaint is made without any sufficient reason, and is done for the purpose of harrassing the president or directors of said company, or the stockholders thereof, the person or persons only so complaining shall be responsible to said judge for his fees aforesaid; and the same may be recovered in an action of debt brought before any justice of the peace in the town where either of said complainants live, or where either of them may be found."

Liability of gate-keeper in certain cases.

Compensation of judge of probate.

Proviso.

Sec. 5. Section seventeen of said act is hereby repealed.

Sec. 17 repealed.

Sec. 6. The Legislature may at any time alter, amend or repeal this act, or the act to which this is amendatory.

Sec. 7. This act shall take effect immediately, and said company shall be entitled to all its benefits and subject to all its restrictions, whenever they shall file their acceptance in writing, signed by

Acceptance of act, where filed.

the president and a majority of the directors, in the office of the Secretary of State; *Provided*, Such acceptance shall be filed within six months from the passage of this act.

Approved April 4, 1851.

[No. 93.]

AN ACT to provide for the organization and powers of the Supreme Court.

Judicial
power.

Terms of
office.

Vacancy of
presiding
judge; how
filled.

Jurisdiction
of supreme
court.

Section 1. *The people of the State of Michigan enact*, That the supreme court shall consist of the judges of the several circuit courts, four of whom shall constitute a quorum, and a concurrence of three shall be necessary to a final decision. They shall hold their offices as provided in the constitution of this State; and at the first organization of the court under the law, and every second year thereafter, they shall proceed to ballot for one of their number to preside over the deliberations of the court, who shall be styled the presiding judge of the supreme court, and shall hold such position until his successor be elected; and if a vacancy occur in the office of presiding judge, an election may be had at any session of the court to fill the same.

Sec. 2. The supreme court shall have a general superintending control over all inferior courts, to prevent and correct errors and abuses therein, where no other remedy is expressly provided by law, and shall have also jurisdiction of suits, actions and matters brought before it by writ of certiorari or writ of error, when the same shall be allowed by law to any inferior court, to magistrates and other officers, as well in cases of prosecution for any offence, misdemeanor or penalty, in the name of the people of this State, as in other cases, and by certificate of any circuit judge of any cause pending or tried before him, or by a case made and agreed upon by the parties or their attorneys, in any circuit court, and certified by the clerk of such circuit court, and shall have power to issue writs of error, certiorari, habeas corpus, mandamus, quo warranto, procedendo, prohibition, supersedeas, and all other original and remedial writs which may be necessary for the due execution of the law and the administration of justice, and the full and perfect exercise of its ju-

risdiction, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

Sec. 3. Four terms of the supreme court shall be held annually, ^{Terms of court.} commencing as follows, to wit: on the first Mondays of January, May and July, and the third Monday of October; which said terms shall respectively be called the January, May, July and October terms of said court.

Sec. 4. The terms of said court shall be held as follows:

1. The January term in each year at the supreme court room in ^{Where terms to be holden.} the city of Detroit, in the county of Wayne;

2. The May term in each year at the court house in the village of Kalamazoo, in the county of Kalamazoo;

3. The July term in each year at the court house in the village of Adrian, in the county of Lenawee;

4. The October term in each year at the court house in the village of Pontiac, in the county of Oakland;

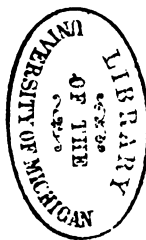
5. A fifth term shall be at Lansing, at least once in each year, at such time as the court shall determine.

Sec. 5. The said court may direct a special term thereof to be held ^{Special terms.} at either of the places above named, whenever they shall deem it necessary, by an order therefor, which they shall cause to be published at least thirty days before the time appointed, in some paper printed in the city of Detroit.

Sec. 6. At any of the general terms of said court, it shall exercise ^{Appellate jurisdiction} its appellate jurisdiction in suits in equity and at law, and in probate cases originating in any part of this state.

Sec. 7. Upon all questions arising under the exercise of such jurisdiction, when argument of counsel may be desired or intended by the parties, or may be requested by the court, the court may order ^{Court may order argument of counsel at any term.} such argument to be had at any of said terms.

Sec. 8. If neither of said judges shall attend on the first day of any term of said court, it shall be the duty of the clerk thereof, at ^{When clerk to open and adjourn court.} any time after four o'clock in the afternoon of such day, to open the said court by proclamation, and immediately to adjourn the same to the next day; and so to open and adjourn the said court from day to day, until the judges thereof, or one of them, shall appear, when the court shall proceed to business, if a quorum be present, as if it had been opened and adjourned by a judge thereof.



When judge or judges attending may adjourn from day to day, or without day Sec. 9. If a quorum of said judges shall not attend, the judge or judges attending may, in his or their discretion, adjourn the said court from day to day, until a quorum shall be present; or, if it be deemed proper, the said court may be adjourned without day; and if no judge shall attend before the expiration of the third day in term, the clerk shall adjourn said court without day.

Attendance of sheriff, constables, &c. Sec. 10. The sheriff of the county in which any term of the court may be held, shall, before the commencement of such term, summon not more than two constables of his county to attend the same; and the sheriff and constables so summoned shall attend the court during its sitting; and the compensation allowed by law for such attendance, together with all moneys paid by such sheriff for fuel, and other necessary expenses, which shall be certified by the clerk of the court, and be deemed reasonable by the Auditor General, shall be paid out of the treasury of the State.

Removal of records and papers. Sec. 11. The judges of the supreme court may, from time to time, direct the removal of such records and papers in any cause, as they may deem proper, from one clerk's office to another.

Duty of judges of supreme court—establishing and revising rules of practice. Sec. 12. The judges of the supreme court shall have power, and it shall be their duty, within three months after this law shall take effect, by general rules to establish, and from time to time thereafter to modify and amend, the practice in said court and in the circuit courts, at law and in equity, in the cases not provided for by any statute; and they shall, once at least in every two years' thereafter, if necessary, revise the said rules, with the view to the attainment, so far as may be practicable, of the following improvements in the practice:

1. The abolishing of distinctions between law and equity proceedings, as far as practicable;
2. The abolishing of all fictions and unnecessary process and proceedings;
3. The simplifying and abbreviating of the pleadings and proceedings;
4. The expediting of the decisions of causes;
5. The regulation of costs;
6. The remedying of such abuses and imperfections as may be found to exist in the practice;

7. The abolishing of all unnecessary forms and technicalities in pleading and practice;

8. To effectually prevent the defeat or abatement of any civil suit, *ex-contracta*, for either any nonjoinder or misjoinder of parties, where the same can be done consistently with justice;

9. To provide for all necessary amendments of process, pleadings or other proceedings in such case; and,

10. To provide the manner by which a discontinuance may be entered against parties improperly joined in any suit, and by which parties improperly omitted may be joined in the suit and brought in to answer thereto, if within the jurisdiction of the court.

Sec. 13. All writs and process issuing out of said court shall be styled "in the name of the people of the State of Michigan," and shall run into and be executed in any county of the State; and the seal of said court affixed thereto, or impressed upon any writ or process, in any suit or proceeding therein, shall be conclusive evidence that such writ or process was issued by said court, in all cases where such writ or process may be lawfully issued.

Sec. 14. The supreme court shall have power, in all such cases as shall be deemed proper, to compel any party to a suit pending therein, to produce and discover books, papers and documents in his possession or power, relating to the merits of any such suit, or of any defence therein.

Sec. 15. The court shall, by general rules, prescribe the cases in which such discovery may be compelled, where the same are not herein provided, and the costs of such proceedings shall always be awarded in the discretion of the court.

Sec. 16. To entitle a party to any such discovery, he shall present a petition to the court, or to any judge in vacation, verified by oath, upon which an order may be granted by the court or such judge, for the discovery sought, or that the party against whom the same is sought show cause why the prayer of such petition should not be granted.

Sec. 17. Every such order may be vacated by the judge granting the same or by the court:

1. Upon satisfactory evidence that the same ought not to have been granted;

2. Upon the discovery sought being made;

3. Upon the party required to make the discovery denying, on oath, the possession or control of the books, papers or documents ordered to be produced.

Staying
proceedings
when dis-
covery or-
dered.

Sec. 18. The court shall provide, by general rules, for the staying of proceedings in any case where such discovery shall have been ordered, until such order shall have been complied with or vacated.

Remedies
for neglect.

Sec. 19. In case any party refusing or neglecting to obey any such order for discovery within such time as may be deemed reasonable, the court may non-suit him, or may strike out any plea or notice he may have given, or may debar him from any particular defence in relation to which such discovery was sought; and the power of the court to compel such discovery shall be confined to the remedies herein provided, and shall not extend to authorize any other proceeding against the person or property of the party so refusing or neglecting.

Effect of
books, &c.
produced.

Sec. 20. The books, papers and documents produced under any order made in pursuance of the preceding sections, shall have the same effect, when used by the party requiring them, as if produced upon notice, according to the practice of the court.

Court to
prescribe
practice in
certain ca-
ses.

Sec. 21. The supreme court shall, amongst other things, regulate and prescribe the practice therein, and in the circuit courts, where the same is not prescribed by any statute, in relation to bills of exceptions, cases made by the parties, special verdicts, granting new trials, motions in arrest of judgment, taxation of costs, giving notice of special motions, and of such other proceedings as the court may think proper; staying proceedings when necessary to prevent injustice, and the hearing of motions, imposing terms, in their discretion, on granting such motions.

To pre-
scribe cer-
tain powers
of circuit
court.

Sec. 22. In cases not otherwise provided for, the supreme court shall have power, from time to time, by general rules, to prescribe the cases in which the circuit courts, or any judge thereof, or circuit court commissioner, may grant orders to stay proceedings in causes and matters pending in the circuit courts, and upon process issued therefrom, the effect of such orders, and the terms and conditions on which they shall be granted.

When judge
ment or de-
cree of

Sec. 23. When the judges of the supreme court shall be equally divided in opinion upon any case submitted to them, brought before

aid court by appeal, certiorari or writ of error, the judgment or decision of the court below shall be affirmed, provided three of said judges shall concur in such opinion.

Sec. 24. Each of the judges of the supreme court shall receive an annual salary of one thousand five hundred dollars, payable quarterly yearly, out of any moneys in the treasury belonging to the general fund, not otherwise specially appropriated by law.

Sec. 25. No judge of the supreme court shall practice as attorney, solicitor or counsellor in any court of this State.

Sec. 26. The seals of the supreme court now in use shall continue to be used therein; and with such other seals as may be devised for that purpose according to law, shall be the seals of said court.

Sec. 27. All arguments of demurrers, cases, bills of exceptions, appeals, motions, and other matters in the supreme court, may, at the option of the respective parties, be submitted to said court in writing, subject to such rule as the court may prescribe, except when such court shall, by general or special rule or order, otherwise direct.

Sec. 28. The supreme court may, at any time, in accordance with and for the speedy furtherance of justice in any suit, either at law or in equity, call upon the parties to such suit, or any witness thereto, to testify orally in open court; and said court may by rule provide for a similar practice in the circuit courts.

Sec. 29. All cases in the supreme court shall be decided and disposed of before or during the first week of the term next succeeding the one when the same is argued or submitted.

Sec. 30. The decisions of the supreme court, with the reasons therefor, shall be in writing, and signed by the judges concurring herein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature; and such opinions shall be filed in the office of the clerk of the supreme court, where such opinions may have been delivered.

Sec. 31. On or before the January term in each year, the judges of the said court shall deliver to the reporter of said court copies of their decisions on all questions determined by said court during the preceding year.

Sec. 32. Chapter eighty-eight, title twenty-one of the revised statutes of eighteen hundred and forty-six, and all acts and parts of acts

court below
to be affirmed.

Salary of
judges.

Seals of
the court.

Arguments
in supreme
court may
be submitted
in writing.

Court may
require oral
testimony.

Within
what time
cases to be
decided.

Decisions
of supreme
court.

When to be
delivered to
reporter.

Chap. 88 of
title 21, of

exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile;" so that said section as amended will read:

Rates of toll. "Sec. 6. As soon as the whole or part of said road shall be completed, and permission as aforesaid granted to erect a gate or gates across the same, it shall be lawful for the president and directors to appoint toll gatherers to collect and receive from all and every person and persons using said road at said whole toll gate, or at each half toll-gate in proportion, such tolls and duties, to wit: at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile."

**Sec. 11
amended.**

Sec. 4. That section eleven of said act be and the same is hereby amended by striking out in first and second lines, the words "either of" and "associate judges," and inserting in lieu thereof the words "judge of probate." Strike out all after the word "said," in fourth line, to and including the word "shall," and insert in lieu thereof the words "judge of probate to." Strike out the word "judges," in the sixth and seventh lines, and insert "judge," in the twenty-fifth, thirty-second and thirty-sixth lines, and insert "judge." Strike out the word "them," in the twenty-sixth line, and insert "him;" also, "they are," in the twenty-eighth line, and insert "he is;" so that said section when amended will read as follows:

**Duty of
Judge of
probate.**

"Sec. 11. Whenever complaint shall be made to the judge of probate mentioned in the fifth section of this act, in writing, that any part or parts of said road are out of repair, it shall be the duty of said judge of probate to proceed to and examine such part or parts of said road and view the same; and if the same shall, in the view of the said judge, be out of repair, then the said judge shall give

notice in writing of such defect to the toll-gatherer or person attending the gate nearest the place out of repair; and may also, in his discretion, in the said notice, order such gate or gates to be thrown open, and no tolls shall be demanded until said road is put in complete repair; and if such keeper of the gates shall not immediately after the receipt of said notice, open such gate or gates and keep the same open till such repairs are completed, or shall hinder or detain any person or persons from passing said gates, or shall take or demand toll from any person or persons after receiving such notice, and until such repairs are completed as aforesaid, the toll-gatherer or gate keeper so detaining any person shall forfeit the sum of twenty-five dollars for each and every offence, to be recovered before any justice of the peace in an action of debt in any town where said detention occurs; and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were issued against said company in its corporate name; and the said judge, as a compensation for the duties required of him to perform by virtue of this act, shall receive one dollar and fifty cents per day for his services every day he is employed, to be paid by the toll gatherer nearest where the services were rendered, out of any moneys collected at such places; and in default of such payments by said toll gatherer, the stockholders shall be individually liable to said judge; *Provided*, That whenever it shall appear to said judge that such complaint is made without any sufficient reason, and is done for the purpose of harrassing the president or directors of said company, or the stockholders thereof, the person or persons only so complaining shall be responsible to said judge for his fees aforesaid; and the same may be recovered in an action of debt brought before any justice of the peace in the town where either of said complainants live, or where either of them may be found."

Liability of gate-keeper in certain cases.

Compensation of judge of probate.

Proviso.

Sec. 5. Section seventeen of said act is hereby repealed.

Sec. 17 repealed.

Sec. 6. The Legislature may at any time alter, amend or repeal this act, or the act to which this is amendatory.

Sec. 7. This act shall take effect immediately, and said company shall be entitled to all its benefits and subject to all its restrictions, whenever they shall file their acceptance in writing, signed by

Acceptance of act, where filed.

the president and a majority of the directors, in the office of the Secretary of State; *Provided*, Such acceptance shall be filed within six months from the passage of this act.

Approved April 4, 1851.

[No. 93.]

AN ACT to provide for the organization and powers of the Supreme Court.

Judicial
power.

Terms of
office.

Vacancy of
presiding
judge; how
filled.

Jurisdiction
of supreme
court.

Section 1. *The people of the State of Michigan enact*, That the supreme court shall consist of the judges of the several circuit courts, four of whom shall constitute a quorum, and a concurrence of three shall be necessary to a final decision. They shall hold their offices as provided in the constitution of this State; and at the first organization of the court under the law, and every second year thereafter, they shall proceed to ballot for one of their number to preside over the deliberations of the court, who shall be styled the presiding judge of the supreme court, and shall hold such position until his successor be elected; and if a vacancy occur in the office of presiding judge, an election may be had at any session of the court to fill the same.

Sec. 2. The supreme court shall have a general superintending control over all inferior courts, to prevent and correct errors and abuses therein, where no other remedy is expressly provided by law, and shall have also jurisdiction of suits, actions and matters brought before it by writ of certiorari or writ of error, when the same shall be allowed by law to any inferior court, to magistrates and other officers, as well in cases of prosecution for any offence, misdemeanor or penalty, in the name of the people of this State, as in other cases, and by certificate of any circuit judge of any cause pending or tried before him, or by a case made and agreed upon by the parties or their attorneys, in any circuit court, and certified by the clerk of such circuit court, and shall have power to issue writs of error, certiorari, habeas corpus, mandamus, quo warranto, procedendo, prohibition, supersedeas, and all other original and remedial writs which may be necessary for the due execution of the law and the administration of justice, and the full and perfect exercise of its ju-

risdiction, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

Sec. 3. Four terms of the supreme court shall be held annually, ^{Terms of court.} commencing as follows, to wit: on the first Mondays of January, May and July, and the third Monday of October; which said terms shall respectively be called the January, May, July and October terms of said court.

Sec. 4. The terms of said court shall be held as follows:

1. The January term in each year at the supreme court room in the city of Detroit, in the county of Wayne; ^{Where terms to be holden.}

2. The May term in each year at the court house in the village of Kalamazoo, in the county of Kalamazoo;

3. The July term in each year at the court house in the village of Adrian, in the county of Lenawee;

4. The October term in each year at the court house in the village of Pontiac, in the county of Oakland;

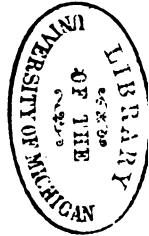
5. A fifth term shall be at Lansing, at least once in each year, at such time as the court shall determine.

Sec. 5. The said court may direct a special term thereof to be held ^{Special terms.} at either of the places above named, whenever they shall deem it necessary, by an order therefor, which they shall cause to be published at least thirty days before the time appointed, in some paper printed in the city of Detroit.

Sec. 6. At any of the general terms of said court, it shall exercise ^{Appellate jurisdiction} its appellate jurisdiction in suits in equity and at law, and in probate cases originating in any part of this state.

Sec. 7. Upon all questions arising under the exercise of such jurisdiction, when argument of counsel may be desired or intended by the parties, or may be requested by the court, the court may order ^{Court may order argument of counsel at any term.} such argument to be had at any of said terms.

Sec. 8. If neither of said judges shall attend on the first day of any term of said court, it shall be the duty of the clerk thereof, at any time after four o'clock in the afternoon of such day, to open the said court by proclamation, and immediately to adjourn the same to the next day; and so to open and adjourn the said court from day to day, until the judges thereof, or one of them, shall appear, when the court shall proceed to business, if a quorum be present, as if it had been opened and adjourned by a judge thereof. ^{When clerk to open and adjourn court.}



When judge or judges attending may adjourn from day to day, or without day Sec. 9. If a quorum of said judges shall not attend, the judge or judges attending may, in his or their discretion, adjourn the said court from day to day, until a quorum shall be present; or, if it be deemed proper, the said court may be adjourned without day; and if no judge shall attend before the expiration of the third day in term, the clerk shall adjourn said court without day.

Attendance of sheriff, constables, &c. Sec. 10. The sheriff of the county in which any term of the court may be held, shall, before the commencement of such term, summon not more than two constables of his county to attend the same; and the sheriff and constables so summoned shall attend the court during its sitting; and the compensation allowed by law for such attendance, together with all moneys paid by such sheriff for fuel, and other necessary expenses, which shall be certified by the clerk of the court, and be deemed reasonable by the Auditor General, shall be paid out of the treasury of the State.

Removal of records and papers. Sec. 11. The judges of the supreme court may, from time to time, direct the removal of such records and papers in any cause, as they may deem proper, from one clerk's office to another.

Duty of judges of supreme court—establishing and revising rules of practice. Sec. 12. The judges of the supreme court shall have power, and it shall be their duty, within three months after this law shall take effect, by general rules to establish, and from time to time thereafter to modify and amend, the practice in said court and in the circuit courts, at law and in equity, in the cases not provided for by any statute; and they shall, once at least in every two years' thereafter, if necessary, revise the said rules, with the view to the attainment, so far as may be practicable, of the following improvements in the practice:

1. The abolishing of distinctions between law and equity proceedings, as far as practicable;
2. The abolishing of all fictions and unnecessary process and proceedings;
3. The simplifying and abbreviating of the pleadings and proceedings;
4. The expediting of the decisions of causes;
5. The regulation of costs;
6. The remedying of such abuses and imperfections as may be found to exist in the practice;

7. The abolishing of all unnecessary forms and technicalities in pleading and practice;

8. To effectually prevent the defeat or abatement of any civil suit, *ex-contracta*, for either any nonjoinder or misjoinder of parties, where the same can be done consistently with justice;

9. To provide for all necessary amendments of process, pleadings or other proceedings in such case; and,

10. To provide the manner by which a discontinuance may be entered against parties improperly joined in any suit, and by which parties improperly omitted may be joined in the suit and brought in to answer thereto, if within the jurisdiction of the court.

Sec. 13. All writs and process issuing out of said court shall be styled "in the name of the people of the State of Michigan," and shall run into and be executed in any county of the State; and the seal of said court affixed thereto, or impressed upon any writ or process, in any suit or proceeding therein, shall be conclusive evidence that such writ or process was issued by said court, in all cases where such writ or process may be lawfully issued.

Sec. 14. The supreme court shall have power, in all such cases as shall be deemed proper, to compel any party to a suit pending therein, to produce and discover books, papers and documents in his possession or power, relating to the merits of any such suit, or of any defence therein.

Sec. 15. The court shall, by general rules, prescribe the cases in which such discovery may be compelled, where the same are not herein provided, and the costs of such proceedings shall always be awarded in the discretion of the court.

Sec. 16. To entitle a party to any such discovery, he shall present a petition to the court, or to any judge in vacation, verified by oath, upon which an order may be granted by the court or such judge, for the discovery sought, or that the party against whom the same is sought show cause why the prayer of such petition should not be granted.

Sec. 17. Every such order may be vacated by the judge granting the same or by the court:

1. Upon satisfactory evidence that the same ought not to have been granted;

2. Upon the discovery sought being made;

3. Upon the party required to make the discovery denying, on oath, the possession or control of the books, papers or documents ordered to be produced.

Staying
proceedings
when dis-
covery or-
dered.

Sec. 18. The court shall provide, by general rules, for the staying of proceedings in any case where such discovery shall have been ordered, until such order shall have been complied with or vacated.

Remedies
for neglect.

Sec. 19. In case any party refusing or neglecting to obey any such order for discovery within such time as may be deemed reasonable, the court may non-suit him, or may strike out any plea or notice he may have given, or may debar him from any particular defence in relation to which such discovery was sought; and the power of the court to compel such discovery shall be confined to the remedies herein provided, and shall not extend to authorize any other proceeding against the person or property of the party so refusing or neglecting.

Effect of
books, &c.
produced.

Sec. 20. The books, papers and documents produced under any order made in pursuance of the preceding sections, shall have the same effect, when used by the party requiring them, as if produced upon notice, according to the practice of the court.

Court to
prescribe
practice in
certain ca-
ses.

Sec. 21. The supreme court shall, amongst other things, regulate and prescribe the practice therein, and in the circuit courts, where the same is not prescribed by any statute, in relation to bills of exceptions, cases made by the parties, special verdicts, granting new trials, motions in arrest of judgment, taxation of costs, giving notice of special motions, and of such other proceedings as the court may think proper; staying proceedings when necessary to prevent injustice, and the hearing of motions, imposing terms, in their discretion, on granting such motions.

To pre-
scribe cer-
tain powers
of circuit
court.

Sec. 22. In cases not otherwise provided for, the supreme court shall have power, from time to time, by general rules, to prescribe the cases in which the circuit courts, or any judge thereof, or circuit court commissioner, may grant orders to stay proceedings in causes and matters pending in the circuit courts, and upon process issued therefrom, the effect of such orders, and the terms and conditions on which they shall be granted.

When judge
ment or de-
cree of

Sec. 23. When the judges of the supreme court shall be equally divided in opinion upon any case submitted to them, brought before

said court by appeal, certiorari or writ of error, the judgment or decree of the court below shall be affirmed, provided three of said judges shall concur in such opinion. court below to be affirmed.

Sec. 24. Each of the judges of the supreme court shall receive an annual salary of one thousand five hundred dollars, payable quarterly yearly, out of any moneys in the treasury belonging to the general fund, not otherwise specially appropriated by law. Salary of judges.

Sec. 25. No judge of the supreme court shall practice as attorney, solicitor or counsellor in any court of this State.

Sec. 26. The seals of the supreme court now in use shall continue to be used therein; and with such other seals as may be devised for that purpose according to law, shall be the seals of said court. Seals of the court.

Sec. 27. All arguments of demurrers, cases, bills of exceptions, appeals, motions, and other matters in the supreme court, may, at the option of the respective parties, be submitted to said court in writing, subject to such rule as the court may prescribe, except when such court shall, by general or special rule or order, otherwise direct. Arguments in supreme court may be submitted in writing.

Sec. 28. The supreme court may, at any time, in accordance with and for the speedy furtherance of justice in any suit, either at law or in equity, call upon the parties to such suit, or any witness thereto, to testify orally in open court; and said court may by rule provide for a similar practice in the circuit courts. Court may require oral testimony.

Sec. 29. All cases in the supreme court shall be decided and disposed of before or during the first week of the term next succeeding the one when the same is argued or submitted. Within what time cases to be decided.

Sec. 30. The decisions of the supreme court, with the reasons therefor, shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature; and such opinions shall be filed in the office of the clerk of the supreme court, where such opinions may have been delivered. Decisions of supreme court.

Sec. 31. On or before the January term in each year, the judges of the said court shall deliver to the reporter of said court copies of their decisions on all questions determined by said court during the preceding year. When to be delivered to reporter.

Sec. 32. Chapter eighty-eight, title twenty-one of the revised statutes of eighteen hundred and forty-six, and all acts and parts of acts Chap. 88 of title 21, of

revised sta-
tutes of '46,
repealed. contravening the provisions of this law, be and they are hereby re-
pealed.

When act
to take ef-
fect.

Sec. 33. This act shall take effect and be in force from and after the first day of January, in the year one thousand eight hundred and fifty-two.

Approved April 4, 1851.

[No. 94.]

AN ACT to amend the second and fourth sections of an act to incorporate the Erin and Mt. Clemens Plank Road Company, approved March twentieth, one thousand eight hundred and fifty.

Sec 2 of act
No. 129 of
1850, amen-
ded.

Section 1. *The People of the State of Michigan enact, That section two of an act to incorporate the Erin and Mt. Clemens plank road company, approved March twentieth, one thousand eight hundred and fifty, be and the same is hereby amended so that the same shall read as follows:*

Route.

"Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the township of Erin in the county of Macomb, on the Fort Gratiot road, so-called, eight miles to or in the village of Mt. Clemens, in said county of Macomb; commencing at the termination of the Detroit and Erin plank road, to wit: twelve miles from the city of Detroit, in the county of Wayne, with the privilege to extend the same from thence, on the most eligible route, to the village of Port Huron, in the county of St. Clair."

Sec. 1 amen-
ded.

Sec. 2. That section four of said act be and the same is hereby amended so that the same shall read as follows:

Co. may en-
ter upon
and take
possession
of a certain
road.

"Sec. 4. As soon as the said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Fort Gratiot road, so called, as lies between the termination of the Detroit and Erin plank road, as aforesaid, to wit: a point distant twelve miles from the city of Detroit in the county of Wayne, and the village of Mt. Clemens in the county of Macomb, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual travel thereon."

LAWS OF MICHIGAN.

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Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1851.

[No. 95.]

AN ACT to amend section twenty-two of "an act relative to Plank Roads," approved March thirteenth, eighteen hundred and forty-eight, in reference to subscriptions of stock.

Section 1. *The People of the State of Michigan enact*, That section twenty-two of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows: Sec. 22 of act No. 62 of 1848 amended.

"Sec. 22. If the entire capital stock of such company shall not be subscribed at the time first provided by this act, the board of directors of any such company may at any time receive subscriptions to such capital stock, until the whole amount of the capital stock allowed by its charter shall be subscribed." Subscriptions to capital stock; time extended.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 96.]

AN ACT supplemental to an act to incorporate the Plymouth and Dearborn Plank Road Company, approved March twentieth, eighteen hundred and fifty.

Section 1. *The People of the State of Michigan enact*, That whenever the Plymouth and Dearborn Plank Road Company, incorporated March twentieth, eighteen hundred and fifty, shall have completed three consecutive miles of their plank road, they may erect and maintain a toll gate thereon, and collect and take tolls at the rates authorized by their act of incorporation.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

LAWS OF MICHIGAN.

[No. 97.]

AN ACT to cede jurisdiction to the United States over Land to be occupied as a site of Light House Buildings in this State.

Section 1. *The People of the State of Michigan enact, That the* jurisdiction of the State is hereby ceded to the United States over a certain tract or parcel of land, for the purpose of erecting light house buildings thereon, described as follows, to wit: lying and being in the county of Ottawa, State of Michigan, "being part of lot number eight of fractional section number twenty-eight, in township number ten north of range number seventeen west; the entire front bordering on Muskegon river, and running back the same distance, containing one acre," and being the acre of land selected by Henry B. Miller, superintendent and inspector of lights, for the purpose of erecting light house buildings thereon: *Provided always, And this* cession is upon the express condition, that the State of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, that all civil and such criminal process as may issue under the authority of the said State, against any person or persons charged with offences committed without the bounds of said tract, may be executed therein in the same way and manner as though this cession had not been made.

Approved April 4, 1851.

[No. 98.]

AN ACT supplementary to an act entitled an act to incorporate the Grand Rapids and Plainfield Plank Road Company, approved March twentieth, eighteen hundred and fifty.

Section 1. *The people of the State of Michigan enact, That for* the purpose of providing means for the construction and completion of the plank road of the Grand Rapids and Plainfield Plank Road Company, and its buildings and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places within this State, upon such terms and with such rates of in-

interest (not exceeding ten per cent. per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of said company; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a ~~fixed~~ less sum than one hundred dollars. And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such conditions as the company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par without the consent of the holders of three-fourths of the stock of said company.

Proviso.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares or guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend and payable at such place and in such manner and with such preference or priority over the remaining stock of said company in the payment of dividends as the directors of said company may determine, and as shall be approved by the holders of three-fourths of the stock of said company at their annual meeting or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said compa-

Authority to issue construction stock.

Holder of, entitled to vote.

Proviso.

ny unless previous notice of such meeting and the intention of submitting that question shall have been published at least six weeks in some newspaper published in the city of Grand Rapids.

Certificate
of accep-
tance;
where filed.

Sec. 3. This act shall take effect immediately, and the said company shall be entitled to its benefits and subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 4, 1851.

[No. 99.]

AN ACT prescribing the duties of the Superintendent of Public Instruction, and to repeal chapter fifty-six of the Revised Statutes of eighteen hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred fifty.

Superinten-
dent to
have gener-
al supervi-
sion of pub-
lic instruc-
tion; his
duty to
prepare an-
nual report.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction shall have general supervision of public instruction, and it shall be his duty among other things to prepare annually and transmit a report to the Governor, to be transmitted by him to the Legislature at each biennial session thereof, containing:

1. A statement of the condition of the university, and its branches, of all incorporate literary institutions and of the primary schools;
2. Estimates and amounts of expenditures of the school money;
3. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if in his opinion the same be required;
4. The condition of the Normal school;
5. All such other matters relating to his office and the subject of education generally, as he shall deem expedient to communicate.

Abstracts.

Sec. 2. He shall make all necessary abstracts of the reports of school inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

Sec. 3. He shall prepare and cause to be printed with the laws relating to primary schools, all necessary forms, regulations and in-

struments for conducting all proceedings under said laws, and transmit the same with such instructions relative to the organization and government of such schools and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

Sec. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the Superintendent shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

Sec. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the age of four and eighteen years, as the same shall appear by the reports of the several township inspectors of primary schools, made to him for the year last closed.

Sec. 6. He shall prepare annually a statement of the amount in the aggregate payable to each county in the State from the income of the primary school fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county for the amount payable to such county.

Sec. 7. He shall also send written notices to the clerks of the several counties, of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships therein respectively; which notice shall be disposed of as directed by an act entitled an act to amend chapter fifty-eight of the revised statutes of one thousand eight hundred forty-six, approved March twenty-eighth, one thousand eight hundred and fifty.

Sec. 8. Whenever the returns from any county, township or city, upon which a statement of the amount to be disbursed or paid to any such county, township or city, shall be so far defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township or city, he shall ascertain by the best evidence in his power the facts upon which the ratio

Forms, regulations, &c. to be transmitted.

Forms, &c. to be printed in pamphlet form.

Apportionment of primary school fund.

Annual statement of the amount in the aggregate payable to each county.

Notices to Co. clerk of aggregate amount to be disbursed.

Notice; how disposed of.

Rates of apportionment in certain cases, how ascertained.

of such apportionment shall depend, and shall make the apportionment accordingly.

Apportionment; how made in certain cases.

Sec. 9. Whenever, by accident, mistake, or any other cause, the returns from any county, township or city, upon which a statement of the amount to be disbursed to any such county, township or city, shall not contain the whole number of scholars in such county, township or city, between the age of four and eighteen years, and entitled to draw money from said fund, by which any such county, township or city, shall fail to have apportioned to it the amount to which it shall justly be entitled, the Superintendent, on receiving satisfactory proof thereof, shall apportion such deficiency to such county, township or city, in his next annual apportionment; and the conditions of this section shall extend to all cases which accrue in the year one thousand eight hundred and fifty.

Interest on educational fund; how computed and how paid.

Sec. 10. Upon all sums paid into the State treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the treasurer shall compute interest from the time of such payment, or from the time of the last computation of interest thereon, to the first Monday of April in each and every year, and shall give credit therefor to each and every school fund, as the case may be; and such interest shall be paid out of the general fund.

Sup't at the expiration of term to deliver to successor books, papers, &c.

Sec. 11. The Superintendent shall, at the expiration of his term of office, deliver over on demand to his successor, all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

Chap. 56 of R. S. of 1846 repealed.

Sec. 12. Chapter fifty-six of the revised statutes of one thousand eight hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty, are hereby repealed.

Approved April 4, 1851.

[No. 100.]

AN ACT to amend an act entitled an act to incorporate the village of Battle Creek, approved April 2, 1850.

Section 1. *The People of the State of Michigan enact, That an act entitled an act to incorporate the village of Battle Creek, appro-*

LAWS OF MICHIGAN.

149

ved April 2, 1850, be amended as follows: Amend section one by inserting after the word "six," in the eleventh line thereof, the words following: "thence northerly on the north and south quarter line of said section six;" so that the amended section will read as follows:

"Section 1. *The People of the State of Michigan enact*, That all that tract of country situated in the townships of Battle Creek and Emmet, in the county of Calhoun, and described as follows, to wit: beginning at the quarter post on the west side of section seven, in the township of Emmet, in the county of Calhoun, and state of Michigan, and running thence easterly on the east and west quarter line of said section seven, to the north and south quarter line of said section; thence northerly on the said north and south quarter line, to the north line of said section and to the Battle Creek; thence along the Battle Creek to the quarter post on the south side of section six; thence northerly on the north and south quarter line of said section six; thence to the east and west quarter line of said section six; thence westerly on said east and west quarter line to the town line; thence along said town line to the quarter post on the east side of section one, in the township of Battle Creek in the county aforesaid; thence westerly to the northerly corner of the surveyed plat of the original village of Battle Creek; thence along the northwesterly side of said village plat to the Kalamazoo river; thence south, four degrees east, to the east and west quarter line of section twelve, (12,) in Battle Creek aforesaid; thence easterly along said east and west quarter line to the town line between Battle Creek and Emmet aforesaid; thence along said town line to the place of beginning, be and the same is hereby constituted a village corporate, under the name of the village of Battle Creek."

Sec. 2. Also amend section eight, by adding at the end of the section the following: "And said president and trustees shall have power to acquire and hold land sufficient for the erection of the pound aforesaid. And they may also acquire and hold another parcel of land in said village, not exceeding one-fourth of an acre, upon which they may build a council house, or hall for the use of said council, for the holding of elections, for keeping records, and for such other uses as said council may think proper;" so that said section as amended will read as follows:

revised sta- contravening the provisions of this law, be and they are hereby re-
tutes of '46, pealed.
repealed.

When act
to take ef-
fect.

Sec. 33. This act shall take effect and be in force from and after the first day of January, in the year one thousand eight hundred and fifty-two.

Approved April 4, 1851.

[No. 94.]

AN ACT to amend the second and fourth sections of an act to incorporate the Erin and Mt. Clemens Plank Road Company, approved March twentieth, one thousand eight hundred and fifty.

Sec 2 of act
No. 128 of
1850, amend-
ed.

Section 1. *The People of the State of Michigan enact, That section two of an act to incorporate the Erin and Mt. Clemens plank road company, approved March twentieth, one thousand eight hundred and fifty, be and the same is hereby amended so that the same shall read as follows:*

Route.

"Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the township of Erin in the county of Macomb, on the Fort Gratiot road, so-called, eight miles to or in the village of Mt. Clemens, in said county of Macomb; commencing at the termination of the Detroit and Erin plank road, to wit: twelve miles from the city of Detroit, in the county of Wayne, with the privilege to extend the same from thence, on the most eligible route, to the village of Port Huron, in the county of St. Clair."

Sec. 2 amend-
ed.

Sec. 2. That section four of said act be and the same is hereby amended so that the same shall read as follows:

Co. may en-
ter upon
and take
possession
of a certain
road.

"Sec. 4. As soon as the said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Fort Gratiot road, so called, as lies between the termination of the Detroit and Erin plank road, as aforesaid, to wit: a point distant twelve miles from the city of Detroit in the county of Wayne, and the village of Mt. Clemens in the county of Macomb, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual travel thereon."

riediction, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

Sec. 3. Four terms of the supreme court shall be held annually, ^{Terms of court.} commencing as follows, to wit: on the first Mondays of January, May and July, and the third Monday of October; which said terms shall respectively be called the January, May, July and October terms of said court.

Sec. 4. The terms of said court shall be held as follows:

1. The January term in each year at the supreme court room in ^{Where terms to be holden.} the city of Detroit, in the county of Wayne;

2. The May term in each year at the court house in the village of Kalamazoo, in the county of Kalamazoo;

3. The July term in each year at the court house in the village of Adrian, in the county of Lenawee;

4. The October term in each year at the court house in the village of Pontiac, in the county of Oakland;

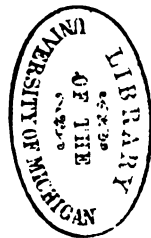
5. A fifth term shall be at Lansing, at least once in each year, at such time as the court shall determine.

Sec. 5. The said court may direct a special term thereof to be held ^{Special terms.} at either of the places above named, whenever they shall deem it necessary, by an order therefor, which they shall cause to be published at least thirty days before the time appointed, in some paper printed in the city of Detroit.

Sec. 6. At any of the general terms of said court, it shall exercise ^{Appellate jurisdiction} its appellate jurisdiction in suits in equity and at law, and in probate cases originating in any part of this state.

Sec. 7. Upon all questions arising under the exercise of such jurisdiction, when argument of counsel may be desired or intended by the parties, or may be requested by the court, the court may order ^{Court may order argument of counsel at any term.} such argument to be had at any of said terms.

Sec. 8. If neither of said judges shall attend on the first day of any term of said court, it shall be the duty of the clerk thereof, at ^{When clerk to open and adjourn court.} any time after four o'clock in the afternoon of such day, to open the said court by proclamation, and immediately to adjourn the same to the next day; and so to open and adjourn the said court from day to day, until the judges thereof, or one of them, shall appear, when the court shall proceed to business, if a quorum be present, as if it had been opened and adjourned by a judge thereof.



LAWS OF MICHIGAN.

[No. 97.]

AN ACT to cede jurisdiction to the United States over Land to be occupied as a site of Light House Buildings in this State.

Section 1. *The People of the State of Michigan enact*, That the jurisdiction of the State is hereby ceded to the United States over :
Jurisdiction of this state over a certain tract of land ceded to the United States.
 certain tract or parcel of land, for the purpose of erecting light house buildings thereon, described as follows, to wit: lying and being in the county of Ottawa, State of Michigan, "being part of lot number eight of fractional section number twenty-eight, in township number ten north of range number seventeen west; the entire front bordering on Muskegon river, and running back the same distance, containing one acre," and being the acre of land selected by Henry B Miller, superintendent and inspector of lights, for the purpose of erecting light house buildings thereon: *Provided always*, And this cession is upon the express condition, that the State of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, that all civil and such criminal process as may issue under the authority of the said State against any person or persons charged with offences committed without the bounds of said tract, may be executed therein in the same way and manner as though this cession had not been made.

Condition of cession.

Approved April 4, 1851.

[No. 98.]

AN ACT supplementary to an act entitled an act to incorporate the Grand Rapids and Plainfield Plank Road Company, approved March twentieth, eighteen hundred and fifty.

Section 1. *The people of the State of Michigan enact*, That for the purpose of providing means for the construction and completion of the plank road of the Grand Rapids and Plainfield Plank Road Company, and its buildings and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places within this State, upon such terms and with such rates of in-

Co. authorized to issue bonds for certain purposes.

interest (not exceeding ten per cent. per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of said company; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a ~~greater~~ sum than one hundred dollars. And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such conditions as the company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par without the consent of the holders of three-fourths of the stock of said company.

Proviso.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares or guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend and payable at such place and in such manner and with such preference or priority over the remaining stock of said company in the payment of dividends as the directors of said company may determine, and as shall be approved by the holders of three-fourths of the stock of said company at their annual meeting or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said compa-

Authority to issue construction stock.

Holder of, entitled to vote.

Proviso.

ny unless previous notice of such meeting and the intention of submitting that question shall have been published at least six weeks in some newspaper published in the city of Grand Rapids.

Certificate
of accep-
tance;
where filed.

Sec. 3. This act shall take effect immediately, and the said company shall be entitled to its benefits and subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 4, 1851.

[No. 99.]

AN ACT prescribing the duties of the Superintendent of Public Instruction, and to repeal chapter fifty-six of the Revised Statutes of eighteen hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred fifty.

Superintendent to have general supervision of public instruction; his duty to prepare annual report.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction shall have general supervision of public instruction, and it shall be his duty among other things to prepare annually and transmit a report to the Governor, to be transmitted by him to the Legislature at each biennial session thereof, containing:

1. A statement of the condition of the university, and its branches, of all incorporate literary institutions and of the primary schools;
2. Estimates and amounts of expenditures of the school money;
3. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if in his opinion the same be required;
4. The condition of the Normal school;
5. All such other matters relating to his office and the subject of education generally, as he shall deem expedient to communicate.

Abstracts.

Sec. 2. He shall make all necessary abstracts of the reports of school inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

Sec. 3. He shall prepare and cause to be printed with the laws relating to primary schools, all necessary forms, regulations and in-

struments for conducting all proceedings under said laws, and transmit the same with such instructions relative to the organization and government of such schools and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

Forms, regulations, &c. to be transmitted.

Sec. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the Superintendent shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

Forms, &c. to be printed in pamphlet form.

Sec. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the age of four and eighteen years, as the same shall appear by the reports of the several township inspectors of primary schools, made to him for the year last closed.

Apportionment of primary school fund.

Sec. 6. He shall prepare annually a statement of the amount in the aggregate payable to each county in the State from the income of the primary school fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county for the amount payable to such county.

Annual statement of the amount in the aggregate payable to each county.

Sec. 7. He shall also send written notices to the clerks of the several counties, of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships therein respectively; which notice shall be disposed of as directed by an act entitled an act to amend chapter fifty-eight of the revised statutes of one thousand eight hundred forty-six, approved March twenty-eighth, one thousand eight hundred and fifty.

Notices to Co. clerk of aggregate amount to be disbursed.

Notice; how disposed of.

Sec. 8. Whenever the returns from any county, township or city, upon which a statement of the amount to be disbursed or paid to any such county, township or city, shall be so far defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township or city, he shall ascertain by the best evidence in his power the facts upon which the ratio

Rates of apportionment in certain cases, how ascertained.

of such apportionment shall depend, and shall make the apportionment accordingly.

Apportionment; how made in certain cases.

Sec. 9. Whenever, by accident, mistake, or any other cause, the returns from any county, township or city, upon which a statement of the amount to be disbursed to any such county, township or city, shall not contain the whole number of scholars in such county, township or city, between the age of four and eighteen years, and entitled to draw money from said fund, by which any such county, township or city, shall fail to have apportioned to it the amount to which it shall justly be entitled, the Superintendent, on receiving satisfactory proof thereof, shall apportion such deficiency to such county, township or city, in his next annual apportionment; and the conditions of this section shall extend to all cases which accrue in the year one thousand eight hundred and fifty.

Interest on educational fund; how computed and how paid.

Sec. 10. Upon all sums paid into the State treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the treasurer shall compute interest from the time of such payment, or from the time of the last computation of interest thereon, to the first Monday of April in each and every year, and shall give credit therefor to each and every school fund, as the case may be; and such interest shall be paid out of the general fund.

Sup't at the expiration of term to deliver to successor books, papers, &c.

Sec. 11. The Superintendent shall, at the expiration of his term of office, deliver over on demand to his successor, all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

Chap. 56 of R. S. of 1846 repealed.

Sec. 12. Chapter fifty-six of the revised statutes of one thousand eight hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty, are hereby repealed.

Approved April 4, 1851.

[No. 100.]

AN ACT to amend an act entitled an act to incorporate the village of Battle Creek, approved April 2, 1850.

Section 1. *The People of the State of Michigan enact, That an act entitled an act to incorporate the village of Battle Creek, appro-*

ved April 2, 1850, be amended as follows: Amend section one by inserting after the word "six," in the eleventh line thereof, the words following: "thence northerly on the north and south quarter line of said section six;" so that the amended section will read as follows:

"Section 1. *The People of the State of Michigan enact*, That all that tract of country situated in the townships of Battle Creek and Emmet, in the county of Calhoun, and described as follows, to wit: beginning at the quarter post on the west side of section seven, in the township of Emmet, in the county of Calhoun, and state of Michigan, and running thence easterly on the east and west quarter line of said section seven, to the north and south quarter line of said section; thence northerly on the said north and south quarter line, to the north line of said section and to the Battle Creek; thence along the Battle Creek to the quarter post on the south side of section six; thence northerly on the north and south quarter line of said section six; thence to the east and west quarter line of said section six; thence westerly on said east and west quarter line to the town line; thence along said town line to the quarter post on the east side of section one, in the township of Battle Creek in the county aforesaid; thence westerly to the northerly corner of the surveyed plat of the original village of Battle Creek; thence along the northwesterly side of said village plat to the Kalamazoo river; thence south, four degrees east, to the east and west quarter line of section twelve, (12,) in Battle Creek aforesaid; thence easterly along said east and west quarter line to the town line between Battle Creek and Emmet aforesaid; thence along said town line to the place of beginning, be and the same is hereby constituted a village corporate, under the name of the village of Battle Creek."

Sec. 2. Also amend section eight, by adding at the end of the section the following: "And said president and trustees shall have power to acquire and hold land sufficient for the erection of the pound aforesaid. And they may also acquire and hold another parcel of land in said village, not exceeding one-fourth of an acre, upon which they may build a council house, or hall for the use of said council, for the holding of elections, for keeping records, and for such other uses as said council may think proper;" so that said section as amended will read as follows:

by-laws.

General
powers.

"Sec. 8. The president and trustees shall have power to establish by-laws, rules and regulations for the government of said village, and to alter the same, repeal or re-ordain at pleasure; to provide for any subordinate officers, if necessary, and prescribe their duties and the duty of the treasurer and the amount of bonds he shall give for the performance of his duty, and his fees as collector, which shall not exceed the per cent allowed the town treasurer, and shall prescribe the fees of the clerk, assessors and marshal, which shall not exceed one dollar per day, and impose reasonable fines and penalties for the violation of the by-laws and regulations of the corporation; to regulate the planting of ornamental trees by the side walks or on the common, and cause them to be protected from depredations; to provide for protection against fires, the removal of nuisances and obstructions from the side-walks, streets, alleys, commons, and all other places in the village; to prevent cattle, horses and swine from running at large in the streets, and to build a pound for empounding the same; to suppress all riotous or disorderly conduct; to prevent horse racing and every thing else that disturbs the public peace or endangers the safety of the citizens; they shall act as a board of health, and shall have the same power in the village as the town boards have in towns, and the clerk shall keep the record of the proceedings of such board in the records of said village. And said president and trustees shall have power to acquire and hold land sufficient for the erection of the pound aforesaid, and they may also acquire and hold another parcel of land in said village, not exceeding one-fourth of an acre, upon which they may build a council house or hall for the use of said council, for the holding of elections, for keeping records, and for such other uses as said council may think proper."

Sec. 11 a-
mended.

Sec. 3. Amend section eleven by inserting after the word "occupant," in the fifth line thereof, the words following: "owner or agent of any vacant lot." And after the word "street," in the same fifth line of said section eleven, insert: "Provided, If there be no resident owner or agent of any vacant lot, then a written notice, posted up in a conspicuous place on said vacant lot, shall be deemed sufficient." And then strike out all of said section eleven after the word "act," in the twelfth line thereof; so that said section eleven as amended will read as follows:

interest (not exceeding ten per cent. per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of said company; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a ~~greater~~ ^{less} sum than one hundred dollars. And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such conditions as the company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par without the consent of the holders of three-fourths of the stock of said company.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares or guaranteed stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend and payable at such place and in such manner and with such preference or priority over the remaining stock of said company in the payment of dividends as the directors of said company may determine, and as shall be approved by the holders of three-fourths of the stock of said company at their annual meeting or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company.

Provided.

Authority to
issue con-
struction
stock.

Holder of,
entitled to
vote.

Provided.

ter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

Wards, and
their bound-
aries.

Sec. 3. The said city shall be divided into four wards, as follows: the first ward shall embrace all that portion of the city lying east of Huron street and south of Huron street; the second ward shall embrace all that portion of the city lying south of Huron street and west of Main street; the third ward shall embrace all that portion of the city lying north of Huron street and west of Fourth street; and the fourth ward shall embrace all that portion of the city lying north of Huron street and east of Fourth street. The aforesaid division is made by the actual or supposed continuation of the centre line of each of said streets, in the present direction thereof, to the limits of the city: *Provided*, That the common council may at any time alter the bounds of either of said wards.

Officers.

Terms.

Sec. 4. There shall be the following officers in and for said city, to wit: one mayor, one recorder, one marshal, one street commissioner, one attorney, one supervisor, who shall also be assessor, one treasurer, who shall also be collector, and three constables, who shall hold their respective offices for one year, and until their successors are elected and qualified, four aldermen, two school inspectors and two directors of the poor, who shall respectively hold their offices for one and two years, and until their successors are elected and qualified, and four justices of the peace, who shall respectively hold their offices for four years, excepting as is herein afterwards provided.

Elections;
how held.

Provided.

Sec. 5. The inhabitants of said city, having the qualification of electors under the constitution of this State, shall, on the first Monday of April instant, at the court house in said city, and on the first Monday in April in every year thereafter, at the same place, unless the common council shall designate some other place of meeting, proceed to elect by a plurality of votes by ballot, from among the qualified electors of said city, one mayor, one recorder, two aldermen, one supervisor, one justice of the peace, one marshal, one street commissioner, one treasurer and collector, three constables, one school inspector, and one director of the poor: *Provided*, That at the first election to be holden under this act, there shall be chosen four aldermen, one school inspector and one director of the poor, for one year,

and one school director and one director of the poor for two years: *and provided also*, That at such first election so many justices of the peace shall be chosen as may be necessary to fill all vacancies which may then exist in the office of justice of the peace in the township of Ann Arbor, so that there shall be four of said justices in said city, including those who have been elected in said township, and they shall continue to hold their said offices until the expiration of the term for which they were elected; and said justices shall continue to be chosen, one in each year, in the same manner: they shall have the like powers and shall be subject to the same duties and liabilities as justices of the peace in the several townships of this State.

Sec. 6. Immediately after the first election, the four aldermen who shall be elected shall divide themselves into classes; the term of office of two of said aldermen, composing the first class, shall terminate at the expiration of one year, and of the second class, at the end of two years, so that two of said aldermen shall thereafter be elected annually, and shall hold their offices for two years, and until their successors are elected and qualified: each of said aldermen shall reside in the different wards for which they are respectively elected.

Classification of aldermen; term of office.

Sec. 7. At the first election to be holden under this act, there shall be chosen *viz* voce, by the electors present, two judges and a clerk of the election, who shall, before proceeding to the discharge of their duties, make an oath or affirmation, faithfully to discharge the duties of their respective offices at such election; which oath or affirmation may be administered by any person authorized to administer oaths; and at all subsequent elections, the mayor and aldermen, or any two of them, shall be the judges, and the recorder shall be the clerk. At the close of the polls, the votes shall be canvassed, and a statement thereof proclaimed by one of the judges, and a correct record of the number of votes given for each person shall be made by the recorder, and signed officially by the persons holding the election.

First election; proceedings of.

Canvass of votes; proclamation of statement.

Sec. 8. It shall be the duty of the recorder, or in case of his neglect so to do, then of the mayor, to cause five days notice of every election to be given, by posting up written or printed notices thereof at five or more public places in said city: *Provided*, That if notice of any election shall not be given as herein required, it shall be lawful

Notice of election; how given.

Provided.

for the electors to meet at the proper time and place and hold the election; and in case of the non-attendance or neglect of the proper officers to act, the electors present may *viva voce* choose persons to act in their places: *And provided also*, That if any election of officers under this act shall not be made on the day when it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful to hold such election at any time thereafter, public notice thereof being given as provided in this act. At all elections the polls shall be opened between the hours of nine and eleven o'clock in the forenoon, and be closed at four o'clock in the afternoon.

Proviso.

Time of opening and closing polls

Oath of elector.

Sec. 9. Every person offering to vote at any election in said city, shall, if required by any elector present, before he shall be permitted to vote, take the following oath or affirmation before one of the judges of such election: "I do solemnly swear (or affirm) that I am a citizen of the United States, (or, that I was a resident of the State of Michigan on the twenty-fourth of June, eighteen hundred and thirty-five; or, that I was a resident of this State on the first day of January, eighteen hundred and fifty, and have declared my intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election; or, that I have resided in this State two years and six months, and declared my intentions as aforesaid,) that I am of the age of twenty-one years, that I am now and for ten days last past have been a resident of the city of Ann Arbor, and that I have not voted at this election." Upon taking such oath he shall forthwith be permitted to vote.

Recorder to notify officers of their election.

Constitutional oath; where filed.

Common council.

Sec. 10. It shall be the duty of the recorder, as soon as practicable, and within five days after any election, to notify the officers respectively of their election, who shall, within ten days after receiving such notice, take an oath or affirmation to support the constitution of the State of Michigan, and faithfully and impartially to perform the duties of their respective offices; a certificate of which oath, made by the person administering the same, shall be filed in the office of the recorder.

Sec. 11. The mayor, recorder and aldermen, when assembled together and organized, shall constitute the common council of the city of Ann Arbor, and a majority of the whole, (the mayor or re-

order always being one,) shall be necessary to constitute a quorum of the transaction of business, (but a less number may adjourn from time to time,) and the common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint. The common council shall have power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. The mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings thereof. In case of the absence of the mayor or recorder from any such meeting, the members present may appoint a president or recorder pro tempore.

Time and place of meeting.

Fine for non-attendance.

Sec. 12. The common council shall have power to appoint an attorney for the city, and a chief engineer of the fire department, and such other officers, whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the marshal, treasurer or street commissioner, for any violation of the ordinances of the common council; and in case of the death, resignation or removal from office, or neglect to qualify, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy or the unexpired portion of the year; and all officers so appointed shall be notified and qualified as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Powers of common council.

To remove officers and fill vacancies.

Sec. 13. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace, for the suppression of riots, for the apprehension and punishment of vagrants, drunkards and disorderly persons; to suppress all disorderly houses and house of ill fame; to prohibit every species of gaming; for the prevention and abatement of all nuisances within the limits of the city; to prevent the selling or giving away of any spirituous or fermented liquors to any common drunkard; to

May organize and maintain city police, establish by laws, &c.

regulate the keeping of gun powder, and to prevent the discharge of every species of fire-arms; to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; to provide against and punish immoderate riding or driving in any of the streets of the city: and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance which may be made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding thirty days, or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine and imprisonment, or by both fine and imprisonment, (within the limits aforesaid,) in the discretion of the justice who shall try the offender.

Offences
against city
by-laws and
ordinances;
how tried
and deter-
mined.

Sec. 14. Any justice of the peace residing in said city of Ann Arbor, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and try and determine all offences which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act; and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion shall lawfully require.

Common
council may
use county
jail.

Sec. 15. The corporation of the city of Ann Arbor shall be allowed the use of the common jail of the county of Washtenaw for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace, for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Sec. 16. Whenever any person charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, shall have escaped from said city, or shall reside or

back without the _____ of, _____ of _____ in Justice of the peace
 said city, to whom _____ be _____ to may issue
 any sheriff of any county in this § _____, _____ warrant in
 being the body of such person before him, to be _____ case of viola-
 to law; and every sheriff or other officer _____ tion of or-
 be delivered for service, is hereby requir _____ h _____ dinance.
 der the penalties which are by la _____ by sh _____ Warrant;
 officers for neglecting or refusing to execute other ci _____ al process; by whom
 and in case the person charged as _____ shall be within the county may be
 of Washtenaw, the said warrant _____ y be _____ ed by the marshal of served.
 the city, or by the sheriff or any _____ ble of the county.

Sec. 17. All process issued by any j _____ s of the peace to enforce
 or carry into effect any of the by-laws or ordinances of the common
 council, (except in the cases mentioned in section sixteen of this act,) shall be directed "to the marshal of the city of Ann Arbor," or "to _____ Process:
 any constable of the county of Washtenaw;" and such process may _____ how direct-
 be executed by any of said officers any where within the county of ed.
 Washtenaw, and shall be returned the same as other similar process
 issued by justices of the peace.

Sec. 18. The mayor of said city shall have the same power, as con- _____ Powers and
 servator of the peace within the limits of the city, as any justice of _____ duties of
 the peace has, or may by law have; and it is hereby made his duty _____ mayor.
 to see that the by-laws and ordinances are faithfully enforced; and
 to this end it shall be lawful for him, when any person or persons
 shall in his presence be guilty of a breach of the peace, or any vio-
 lation of an ordinance of the common council, punishable by impris-
 onment, to direct the marshal or other officer forthwith to apprehend
 such offender or offenders, and take him or them before a justice of
 the peace for said city, who shall, without unreasonable delay, pro-
 ceed to the examination and trial of the party accused.

Sec. 19. The marshal of said city shall, before entering upon the _____ Marshal to
 discharge of the duties of his office, give such security for the faith- _____ give securi-
 ful performance of his duties as the common council shall direct and _____ ty for faith-
 require. He shall be chief of the police, and it shall be his duty to _____ ful perform-
 serve all process that may be lawfully delivered to him for service, _____ ance of duty
 to see that all the by-laws and ordinances of the common council are _____ To be chief
 promptly and efficiently enforced, and especially those which may _____ of police.

By-Laws.

General
powers.

"Sec. 8. The president and trustees shall have power to establish by-laws, rules and regulations for the government of said village, and to alter the same, repeal or re-ordain at pleasure; to provide for any subordinate officers, if necessary, and prescribe their duties and the duty of the treasurer and the amount of bonds he shall give for the performance of his duty, and his fees as collector, which shall not exceed the per cent allowed the town treasurer, and shall prescribe the fees of the clerk, assessors and marshal, which shall not exceed one dollar per day, and impose reasonable fines and penalties for the violation of the by-laws and regulations of the corporation; to regulate the planting of ornamental trees by the side walks or on the common, and cause them to be protected from depredations; to provide for protection against fires, the removal of nuisances and obstructions from the side-walks, streets, alleys, commons, and all other places in the village; to prevent cattle, horses and swine from running at large in the streets, and to build a pound for empounding the same; to suppress all riotous or disorderly conduct; to prevent horse racing and every thing else that disturbs the public peace or endangers the safety of the citizens; they shall act as a board of health, and shall have the same power in the village as the town boards have in towns, and the clerk shall keep the record of the proceedings of such board in the records of said village. And said president and trustees shall have power to acquire and hold land sufficient for the erection of the pound aforesaid, and they may also acquire and hold another parcel of land in said village, not exceeding one-fourth of an acre, upon which they may build a council house or hall for the use of said council, for the holding of elections, for keeping records, and for such other uses as said council may think proper."

Sec. 11 a-
mended.

Sec. 3. Amend section eleven by inserting after the word "occupant," in the fifth line thereof, the words following: "owner or agent of any vacant lot." And after the word "street," in the same fifth line of said section eleven, insert: "*Provided, If there be no resident* owner or agent of any vacant lot, then a written notice, posted up in a conspicuous place on said vacant lot, shall be deemed sufficient." And then strike out all of said section eleven after the word "act," in the twelfth line thereof; so that said section eleven as amended will read as follows:

LAWS OF MICHIGAN.

PM

Sec. 11. When a majority of the freeholders residing upon any street, shall, in writing, request to improve the same by building or repairing side-walks, or ornament the same by planting shade trees, the village board shall order the same to be done, by giving ten days' notice in writing to each occupant, owner or agent of any vacant lot on said street: *Provided*, If there be no resident owner or agent of any vacant lot, then a written notice, posted up in the most conspicuous place on said vacant lot, shall be deemed sufficient, directing them to construct such sidewalk or make other improvements in a given time by them designated; and in case of neglect or refusal of any such owner or occupant to construct such side-walk or other improvement, it shall be lawful for the board forthwith to make such improvements and assess the expense of the same upon the premises on which said improvements have been made, and collect the same as provided for the collection of taxes by this act." Improvement of streets, &c.

Sec. 4. This act shall take effect immediately.

Approved April 4, 1851.

[No. 101.]

AN ACT to incorporate the City of Ann Arbor.

Section 1. *The People of the State of Michigan enact*, That so much of the township of Ann Arbor, in the county of Washtenaw, as is included in the following limits, to wit: all of section twenty-one, and all those portions of the south half of section twenty, the south west quarter of section twenty-one, and the west half of section twenty-eight, which lie southerly and westerly of the north bank of the Huron River, be and the same is hereby set off from said township and declared to be a city by the name of the "City of Ann Arbor." Limits of city of Ann Arbor.

Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of the "Mayor, recorder and aldermen of the city of Ann Arbor;" and by that name they shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they may have a common seal, which they may al-

Incorporation.

ter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

Wards, and
their bound-
aries.

Sec. 3. The said city shall be divided into four wards, as follows: the first ward shall embrace all that portion of the city lying east of Huron street and south of Huron street; the second ward shall embrace all that portion of the city lying south of Huron street and west of Main street; the third ward shall embrace all that portion of the city lying north of Huron street and west of Fourth street; and the fourth ward shall embrace all that portion of the city lying north of Huron street and east of Fourth street. The aforesaid division is made by the actual or supposed continuation of the centre line of each of said streets, in the present direction thereof, to the limits of the city: *Provided*, That the common council may at any time alter the bounds of either of said wards.

Officers.

Term.

Sec. 4. There shall be the following officers in and for said city, to wit: one mayor, one recorder, one marshal, one street commissioner, one attorney, one supervisor, who shall also be assessor, one treasurer, who shall also be collector, and three constables, who shall hold their respective offices for one year, and until their successors are elected and qualified, four aldermen, two school inspectors and two directors of the poor, who shall respectively hold their offices for one and two years, and until their successors are elected and qualified, and four justices of the peace, who shall respectively hold their offices for four years, excepting as is herein afterwards provided.

Elections;
how held.

Proviso.

Sec. 5. The inhabitants of said city, having the qualification of electors under the constitution of this State, shall, on the first Monday of April instant, at the court house in said city, and on the first Monday in April in every year thereafter, at the same place, unless the common council shall designate some other place of meeting, proceed to elect by a plurality of votes by ballot, from among the qualified electors of said city, one mayor, one recorder, two aldermen, one supervisor, one justice of the peace, one marshal, one street commissioner, one treasurer and collector, three constables, one school inspector, and one director of the poor: *Provided*, That at the first election to be holden under this act, there shall be chosen four aldermen, one school inspector and one director of the poor, for one year,

and one school-inspector and one director of the poor for two years: and *provided also*, That at such first election so many justices of the peace shall be chosen as may be necessary to fill all vacancies which may then exist in the office of justice of the peace in the township of Ann Arbor, so that there shall be four of said justices in said city, including those who have been elected in said township, and they shall continue to hold their said offices until the expiration of the term for which they were elected; and said justices shall continue to be chosen, one in each year, in the same manner: they shall have the like powers and shall be subject to the same duties and liabilities as justices of the peace in the several townships of this State.

Sec. 6. Immediately after the first election, the four aldermen who shall be elected shall divide themselves into classes; the term of office of two of said aldermen, composing the first class, shall terminate at the expiration of one year, and of the second class, at the end of two years, so that two of said aldermen shall thereafter be elected annually, and shall hold their offices for two years, and until their successors are elected and qualified: each of said aldermen shall reside in the different wards for which they are respectively elected.

Classification of aldermen; term of office.

Sec. 7. At the first election to be holden under this act, there shall be chosen *viz* voce, by the electors present, two judges and a clerk of the election, who shall, before proceeding to the discharge of their duties, make an oath or affirmation, faithfully to discharge the duties of their respective offices at such election; which oath or affirmation may be administered by any person authorized to administer oaths; and at all subsequent elections, the mayor and aldermen, any two of them, shall be the judges, and the recorder shall be the clerk. At the close of the polls, the votes shall be canvassed, and a statement thereof proclaimed by one of the judges, and a correct record of the number of votes given for each person shall be made by the recorder, and signed officially by the persons holding the election.

1st election; proceedings of.

Canvass of votes; proclamation of statement.

Sec. 8. It shall be the duty of the recorder, or in case of his neglect so to do, then of the mayor, to cause five days notice of every election to be given, by posting up written or printed notices thereof in five or more public places in said city: *Provided*, That if notice of any election shall not be given as herein required, it shall be lawful

Notice of election; how given.

Provided.

for the electors to meet at the proper time and place* and hold the election; and in case of the non-attendance or neglect of the proper officers to act, the electors present may *viva voce* choose persons to act in their places: *And provided also*, That if any election of officers under this act shall not be made on the day when it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful to hold such election at any time thereafter, public notice thereof being given as provided in this act. At all elections the polls shall be opened between the hours of nine and eleven o'clock in the forenoon, and be closed at four o'clock in the afternoon.

Proviso.

Time of opening and closing polls

Oath of elector.

Sec. 9. Every person offering to vote at any election in said city, shall, if required by any elector present, before he shall be permitted to vote, take the following oath or affirmation before one of the judges of such election: "I do solemnly swear (or affirm) that I am a citizen of the United States, (or, that I was a resident of the State of Michigan on the twenty-fourth of June, eighteen hundred and thirty-five; or, that I was a resident of this State on the first day of January, eighteen hundred and fifty, and have declared my intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election; or, that I have resided in this State two years and six months, and declared my intentions as aforesaid,) that I am of the age of twenty-one years, that I am now and for ten days last past have been a resident of the city of Ann Arbor, and that I have not voted at this election." Upon taking such oath he shall forthwith be permitted to vote.

Recorder to notify officers of their election.

Constitutional oath; where filed.

Common council.

Sec. 10. It shall be the duty of the recorder, as soon as practicable, and within five days after any election, to notify the officers respectively of their election, who shall, within ten days after receiving such notice, take an oath or affirmation to support the constitution of the State of Michigan, and faithfully and impartially to perform the duties of their respective offices; a certificate of which oath, made by the person administering the same, shall be filed in the office of the recorder.

Sec. 11. The mayor, recorder and aldermen, when assembled together and organized, shall constitute the common council of the city of Ann Arbor, and a majority of the whole, (the mayor or re-

order always being one,) shall be necessary to constitute a quorum for the transaction of business, (but a less number may adjourn from time to time,) and the common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint. The common council shall have power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. The mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings thereof. In case of the absence of the mayor or recorder from any such meeting, the members present may appoint a president or recorder pro tempore.

Time and place of meeting.

Fine for non-attendance.

Sec. 12. The common council shall have power to appoint an attorney for the city, and a chief engineer of the fire department, and such other officers, whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the marshal, treasurer or street commissioner, for any violation of the ordinances of the common council; and in case of the death, resignation or removal from office, or neglect to qualify, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed shall be notified and qualified as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Powers of common council.

To remove officers and fill vacancies.

Sec. 13. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace, for the suppression of riots, for the apprehension and punishment of vagrants, drunkards and disorderly persons; to suppress all disorderly houses and house of ill fame; to prohibit every species of gaming; for the prevention and abatement of all nuisances within the limits of the city; to prevent the selling or giving away of any spirituous or fermented liquors to any common drunkard; to

May organize and maintain city police, establish by laws, &c.

regulate the keeping of gun powder, and to prevent the discharge of every species of fire-arms; to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; to provide against and punish immoderate riding or driving in any of the streets of the city: and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance which may be made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding thirty days: or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine and imprisonment, or by both fine and imprisonment, (within the limits aforesaid,) in the discretion of the justice who shall try the offender.

Offences
against city
by-laws and
ordinances;
how tried
and deter-
mined.

Sec. 14. Any justice of the peace residing in said city of Ann Arbor, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and try and determine all offences which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act; and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion shall lawfully require.

Common
council may
use county
jail.

Sec. 15. The corporation of the city of Ann Arbor shall be allowed the use of the common jail of the county of Washtenaw for the imprisonment of all persons liable to imprisonment under the by-law and ordinances of the common council; and all persons committed to jail by any justice of the peace, for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Sec. 16. Whenever any person charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, shall have escaped from said city, or shall reside or

such without the lin
 said city, to whom complaints may be made, shall a
 any sheriff of any county in this State, or any other officer, shall be liable to be
 bring the body of such person before the court to be
 to law; and every sheriff or other officer to whom such warrant is
 be delivered for service, is hereby required to execute the same, and
 der the penalties which are by law imposed by sheriffs and
 officers for neglecting or refusing to execute other writs,
 and in case the person charged as aforesaid shall be within the county
 of Washtenaw, the said warrant may be served by the marshal
 the city, or by the sheriff or any other officer of the county.

Sec. 17. All process issued by any justice of the peace to enforce
 or carry into effect any of the by-laws or ordinances of the common
 council, (except in the cases mentioned in section sixteen of this act,) shall be directed "to the marshal of the city of Ann Arbor," or "to any constable of the county of Washtenaw;" and such process may
 be executed by any of said officers any where within the county of
 Washtenaw, and shall be returned the same as other similar process
 issued by justices of the peace.

Sec. 18. The mayor of said city shall have the same power, as conservator of the peace within the limits of the city, as any justice of the peace has, or may by law have; and it is hereby made his duty to see that the by-laws and ordinances are faithfully enforced; and to this end it shall be lawful for him, when any person or persons shall in his presence be guilty of a breach of the peace, or any violation of an ordinance of the common council, punishable by imprisonment, to direct the marshal or other officer forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party accused.

Sec. 19. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require. He shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service, to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may

in Justice of the peace may issue warrant in case of violation of ordinance.

Warrant; by whom may be served.

Process: how directed.

Powers and duties of mayor.

Marshal to give security for faithful performance of duty.

To be chief of police.

General du-
ties.

be passed to carry into effect the powers granted by section thirteen of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all other persons, in discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers, and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of this State, as sheriff or constables have by law to execute similar process.

May estab-
lish fire
companies.

Sec. 20. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure said city and the inhabitants thereof against injuries by fire to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct; to establish, maintain and regulate all such fire engine, hook and ladder and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper buildings, engines and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding fifty to any one company, as are willing to accept, or as may be deemed proper to be employed as firemen. And every such company shall have power to appoint its own officers and to pass by-laws for its organization and government subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper. And every person belonging to such company shall annually obtain from the recorder a certificate, which shall be prima facie evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be exempt from service on juries from military duty in time of peace, and from the payment of a poll tax.

By-laws of
fire com-
panies.

Exemptions

Duty of fire
companies.

Sec. 21. It shall be the duty of such company to keep in good order and repair its fire engine, hose, ladders, and other implements; to assemble at least once in each month for the purpose of working

its fire engine; and upon any alarm, or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire, with its fire engine and other implements, and be subject to the orders of the chief engineer of the fire department.

Sec. 22. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same; for which purpose, and as chief of the police, he may require the assistance of all by-standers; and in the performance of his said duties, the marshal shall in all respects be subject to the orders of the mayor, or such of the aldermen as may be present.

Duty of marshal in case of fire.

Sec. 23. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the city; to establish a board of health and to invest it with such powers and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases; to provide for its proper organization and for the appointment of the proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Board of health.

Sec. 24. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving and railing the sidewalks, and to prescribe the width thereof; to prevent the obstruction or encumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to lay out, open, make and repair streets, lanes and alleys, and the same to alter and vacate, and to alter or vacate those already laid out. Before any street, lane or alley shall be laid out, altered or vacated, the common council shall give notice thereof to the owners, occupants or persons interested, or his or their agent or representative, by personal service or by posting up

General power and duties of common council in reference to streets, lanes, alleys, &c

notices in five or more public places in the city, stating the time and place when and where the common council will meet to consider the same, and describing the street, lane or alley proposed to be laid out, altered or vacated; which notice shall be posted at least ten days before the time of meeting. If, after hearing the persons interested who may appear before them, the common council shall determine to lay out or alter any street, lane or alley, they may purchase of any person or persons through whose lands the same may pass, the right of way. If the sum to be paid therefor cannot be agreed upon, it shall be lawful for the mayor to issue a venire, directed to the marshal, commanding him to summon twelve disinterested freeholders of the county, not residing in said city, to appear before the mayor at a time and place in said venire to be mentioned, not less than five days from the issuing thereof, to inquire into and assess the damages occasioned to such person or persons by the laying out or altering of such street, lane or alley; which jury, being first sworn by the mayor faithfully and impartially to assess the damages in question; and having heard the testimony of witnesses, if any be sworn, and the representations of the person or persons interested in the premises, shall assess the damages sustained by each person respectively, whether as owner or occupier thereof, according to their several interests in the same, which assessment shall be signed by the jurors assessing the damages and be delivered to the mayor, who shall cause the same to be filed in the recorder's office. All sums so assessed shall be paid or tendered to the person or persons in favor of whom such assessment shall be made, before such street, lane or alley shall be opened or used. If any person in whose favor such assessment shall be made, shall refuse to receive the amount of such assessment, or if he shall not reside in said city, so that the same can be tendered to him, the money shall be deposited with the treasurer of the city, to be delivered to the person lawfully entitled to receive the same, and thereupon the common council may proceed forthwith to cause such street, lane or alley to be opened and used: *Provided*, That any persons claiming damages who shall be aggrieved by such assessment may appeal therefrom to the circuit court of the county of Washtenaw, upon giving written notice to the mayor of his intention to appeal, within five days after the assessment shall

Provido.

e made; but such appeal shall not prevent the immediate opening
r altering and using such street, lane or alley. Upon filing a copy
f said assessment with a copy of the notice of appeal in the said
ircuit court at its next session, or within ten days after such assess-
ment is made, the court shall have jurisdiction of the appeal, and
hall proceed in the same manner as is usual in other cases of ap-
eal, to assess the damages; and if the damages awarded by the
ourt upon such appeal shall not be greater than the damages assess-
d by the jury, or than shall have been tendered or deposited as
ereinbefore provided, the court shall give judgment against the
arty appealing for the costs of the appeal.

Sec. 25. The street commissioner, and such other officer as the Street com-
missioners.
common council shall direct and appoint, shall, under the direction of
the common council, superintend the making, paving, repairing and
pening of all streets, lanes, alleys, bridges and side walks within
the limits of the city, in such manner as he or they may from time to
time be directed. The common council shall have power to cause
the expenses of making, paving and opening streets, lanes and alleys; Paving and
grading
streets, &c.
of grading, paving or planking side walks; of making drains and
sewers, and other local improvements, to be assessed against the
owners or occupants of the lots or premises which are in front of or
adjoining such improvements, or by general tax, as they may deem
just and proper: *Provided*, That no such assessment shall be made
or collected other than by general tax, unless upon the application,
in writing, of two-thirds of all the owners or occupants of the real
estate which may be subject to pay the tax for such local improve-
ment. And the common council shall have power to make all by-
laws and ordinances relative to the mode of assessing, levying and
collecting such tax, and they may by such by-laws and ordinances Assessment
and collec-
tion of tax-
es; how
made.
provide that the real estate assessed for such improvements may be
sold or leased for a term of years to pay such assessment.

Sec. 26. The common council shall have authority to make all by-
laws and ordinances relative to the powers, duties and compensation Power of
common
council rel-
ative to du-
ties & com-
pensation
of officers,
&c.
of the officers of said corporation, subject to the restriction as to the
compensation of officers mentioned in this act relative to the calling
of a meeting of the electors of the city, to licensing showmen and oth-
er exhibitions where money or other consideration is demanded or

received for admission, and to fix the amount of such license; to protect and regulate all public grave yards, and the burial of the dead in said city; to direct the number of and license inn keepers and common victuallers; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to prevent swine, cattle, horses, dogs and other animals from running at large in said city, and to establish and regulate one or more pounds therein; and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding thirty days: *And provided further*, That no by-law or ordinance of the common council, subjecting any person to fine or imprisonment, shall be of any effect until the same shall have been published for two weeks successively in a newspaper printed in said city.

Sec. 27. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city, in his own name or in the name of the corporation, before any justice of the peace of said city; and whenever any fine shall be imposed by any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine, with interest and costs; and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with the fees of the sheriff, shall be paid: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Imposition
of fines;
how collec-
ted.

Sec. 28. All actions against the city of Ann Arbor shall be commenced by summons, which shall be served upon the recorder at least six days before the return day thereof, by giving him a copy of said summons, with the name of the officer serving the same endorsed thereon; or in case of the absence of the recorder from the city, then by leaving such copy with the mayor, endorsed as aforesaid.

Summons against city—how served.

Sec. 29. In all suits in which the corporation of the city of Ann Arbor shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Witnesses and jurors not incompetent on account of interest as residents.

Sec. 30. In all trials before any justice of the peace of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons, and all the proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the county or circuit court having jurisdiction of the cause, shall be allowed; and the party appealing shall enter into a recognizance, conditioned to prosecute the appeal in the county or circuit court, as the case may be, and abide the order of the court therein, or such other recognizance as is or may be required by law in appeals from justices' courts in similar cases.

Person violating by-law or ordinance entitled to jury.

Right of appeal.

Sec. 31. The common council shall have power to assess and collect from every white male inhabitant of said city, over the age of twenty-one years, (except paupers, idiots and lunatics,) an annual capitation or poll tax, not exceeding seventy-five cents; and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or the labor in lieu thereof, shall be expended or performed in the respective wards where the person so taxed shall reside.

Authority of common council to assess and collect annual capitation tax.

General
powers and
duties of
common
council.

Sec. 32. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State, in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisor and assessor, justices of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner, and be subject to the same liabilities; as is provided for the corresponding township officers, excepting as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

May levy
and collect
taxes on
real & per-
sonal estate.

Proviso.

Sec. 33. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which taxes shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax more than five hundred dollars in any one year, exclusive of school taxes and taxes for highway purposes, unless authorized thereto by a vote of the property tax payers of said city who are electors, when convened for that purpose pursuant to previous notice.

Additional
tax, how
raised.

Proviso.

Proviso.

Sec. 34. Whenever the common council shall deem it necessary to raise a greater sum in any one year than five hundred dollars, exclusive of taxes for school and highway purposes, they shall give at least five days notice in writing, to be posted up in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended; and when such meeting shall be assembled in pursuance of such notice, such electors, by a viva voce vote shall determine the amount of money which shall be raised for each object specified in the notice: *Provided*, That such tax shall not in any one year exceed one per cent. upon the valuation of the real and personal estate taxable within the limits of the city: *And provided also*, That not more than two such meetings shall be held in any one year to determine the amount of tax to be raised; at all such meetings, the mayor, or in his absence, the recorder shall preside.

Sec. 35. The common council may appoint the alderman to assist ^{city taxes, how levied and collected.} the supervisor in taking the assessment of property in the respective wards where the alderman resides; and all State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale, and redemption of real estate for non-payment of taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate by township officers.

Sec. 36. Whenever the common council shall be authorized by a ^{Apportionment of taxes for specific purposes; how made.} vote of the property tax holders of said city to raise a tax for any specific purpose, and which cannot be included in the assessment roll and collected or returned for non-payment, as provided in section thirty-five of this act, it shall be lawful for the common council to apportion such tax upon the property according to the valuation, as contained in the then last city assessment roll, and shall place the tax in a column opposite the valuation of the property; and when such roll is completed, the recorder shall make and deliver a copy thereof to the city treasurer, together with a warrant, signed by the mayor and recorder, commanding the treasurer to collect the same, and make return of his proceedings by virtue of said warrant within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof; and it shall be the duty ^{Duty of treasurer.} of the treasurer to collect said taxes within the time specified in said warrant, or within such further time as the common council may by resolution direct.

Sec. 37. The common council may by ordinance provide for the ^{Provision for the collection of certain taxes by ordinance.} collection of all taxes necessary to be raised, other than such as may be raised as provided in section thirty-five, and for the sale of any real estate for the non-payment of such tax and for the redemption thereof: *Provided*, That all the proceedings relative to the notice of sale, the manner of conducting the same, and the time to redeem, shall be in conformity as near as may be to the provisions of law regulating the sale of lands delinquent for township taxes.

Sec. 38. The treasurer of said city shall keep a regular account of all moneys received and disbursed by him, in books to be provided

Treasurer's duty in reference to receiving and disbursing moneys. for that purpose, in which the name of every person to whom money shall be paid shall be entered at full length, and on what account the same was paid, which books shall at all reasonable hours be open

to the inspection of any freeman of said city. All moneys received for the use of said city shall be paid into the city treasury; and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn, and the treasurer shall pay out no money but upon the written warrant of the mayor and recorder.

Corporation not to issue evidence of debt. Sec. 39. No bond, note, or other obligation or evidence of indebtedness of said corporation shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby

Endorsement of claims.

the said city shall become obligated to pay any sum of money; but the common council may endorse on all accounts which may be presented against the city, the amount allowed by them thereon; an account of all claims so allowed shall be kept by the recorder in a book to be provided for the purpose. No order or warrant for the payment of money shall be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same.

Compensation of officers.

Sec. 40. The officers of said corporation shall be entitled to receive out of the city treasury the following sums, in full payment for their services: the mayor shall be paid one dollar per annum; the aldermen shall be entitled to receive one dollar per day when employed in assising the supervisor in taking the assessment; the recorder and attorney shall be entitled to receive, respectively, such sum as the common council shall allow, not exceeding twenty-five dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are by law allowed for similar services; and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council shall allow; the treasurer and collector, justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers; the street commissioner, supervisor, director of the poor, school inspectors and all other officers of said city, shall be entitled to receive such compensation as the common council shall allow, not exceeding one dollar per day for every day actually employed in the performance of the duties of their respective offices.

Sec. 41. The common council shall, in the month of March in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall so specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation is made. Such statement shall be signed by the mayor and recorder and be filed in the recorder's office; a copy thereof shall be published in a newspaper printed in said city for at least two weeks.

Annual statement of receipts and expenditures.

Where filed.

Sec. 42. All the rights of the corporation known as the common council of the village of Ann Arbor, in and to all personal and real estate, rights, credits and effects whatsoever, is hereby declared to be fully and absolutely vested in the corporation created by this act, saving nevertheless to all and every person, his or their just rights therein; and to the end that all and singular the estates, rights and property aforesaid may be fully vested in the corporation of the city of Ann Arbor, every person who is or shall be possessed thereof, shall deliver the same to the mayor, recorder and aldermen, with all moneys, deeds, evidences of debt, property, books and papers, touching or concerning the same, when legally required thereto.

Transfer of village rights to city.

Sec. 43. The township of Ann Arbor shall retain its present organization, subject to the alteration of boundaries herein made and provided, and the next annual township meeting for said township shall be holden at the Washtenaw House; at which election there shall be chosen all such township officers as by law the several townships are authorized to elect. The electors at such election may choose the judges and clerk thereof, and all the provisions of law relative to the adjournment of the place of holding such election shall apply to such meeting.

Present organization of township of Ann Arbor retained; subject to alteration of boundaries.

Sec. 44. All acts heretofore enacted in regard to the village of Ann Arbor, coming within the purview of this act, are hereby repealed: *Provided*, That the repealing of said acts shall not effect any act already done, or any right acquired under, or proceeding had or commenced by virtue thereof; but the same shall remain as valid as if said acts remained in full force.

Laws in relation to village of Ann Arbor repealed. Proviso.

Sec. 45. This act shall be deemed a public act, and shall be favorably construed in all courts.

Sec. 46. The Legislature may at any time alter, amend or repeal this act.

Sec. 47. This act shall take effect and be in force from and after its passage.

Approved April 4, 1851.

[No. 102.]

AN ACT to amend section five of an act entitled an act to amend an act to provide for the draining of swamps, marshes and other low lands, approved April third, eighteen hundred and forty-eight, and supplementary to said act.

Sec. 5 of act
No. 295 of
1848 amend-
ed.

Section 1. *The People of the State of Michigan enact*, That section five of an act entitled, an act to amend an act to provide for the draining of swamps, marshes and other low lands, approved April third, eighteen hundred and forty-eight, be amended by striking out all after the word "state," in the seventh line of said section; so that said section, when amended, shall read as follows:

"Sec. 5. Section nine is hereby amended by inserting after the word "taxes," in the eighth line, the words "but the Auditor General shall not be required to credit or pay to either of the counties any such tax returned to his office until the same shall have been actually paid into the office of the State Treasurer for such taxes, or for the sale of lands to individuals."

Lands delin-
quent for
taxes: how
sold.

Sec. 2. All lands on which a tax has been levied by virtue of an act to provide for the draining of swamps, marshes and other low lands, approved March seventeenth, eighteen hundred and forty-seven, or the said act of April third, eighteen hundred and forty-eight, and which are or may be returned to the office of the Auditor General delinquent for such tax, shall be advertised and sold for such taxes, at the same time and in the same manner as lands delinquent for other taxes, except that no such lands shall be bid in for the State for any such tax, and excepting that the amount of such tax on each description of the lands so returned shall be stated and advertised in a line separate and distinct from all other taxes, and all such lands shall first be sold for the State, county, town, school and highway taxes, if any; and in case any such lands are bid in for the State, for State.

county, township, school or highway taxes, they shall be sold for the taxes assessed under the provisions of the acts hereinbefore mentioned, subject to the payment of such State, county, town, school or highway taxes; and no deed of such lands shall be executed by the Auditor General for such ditch tax until such bid of the State and its lien thereon shall be fully satisfied. Any person who may bid in any land for such ditch tax which may have been sold to any other person or persons, or to the State, for any other taxes as above mentioned, shall have the right to redeem the same within the time allowed by law; and unless some other person having a right to redeem, shall, before the time of redemption would have expired, tender to the holder or owner of a certificate of sale for such ditch tax the amount which he may have paid on the redemption for other taxes as aforesaid, with the same interest as would have been payable to the Auditor General or State Treasurer up to the same date, then the person having so redeemed such lands from sale for such other taxes, his heirs or assigns, shall have and possess all the rights under and by virtue of such redemption as if the same had been originally purchased by him for such other taxes, and a deed thereof duly executed by the Auditor General; and all deeds duly executed by the Auditor General for lands sold for any such delinquent ditch taxes, shall be as valid and effectual to all intents and purposes as deeds on sale of lands for other taxes returned to the office of the Auditor General.

Sec. 3. All bids made for any of the lands which may be sold for taxes assessed under the provisions of the acts aforesaid, may be paid in warrants drawn under the provisions of said acts by the commissioners on the treasurer of said county in which the land sold is situated; and such warrants shall, if tendered, be received by the Auditor General or treasurer of the county in which they were drawn, in payment of any such tax that may be returned delinquent.

Bids for
lands sold
for taxes;
how paid.

Sec. 4. To facilitate the payment of the bids and taxes aforesaid, the commissioners aforesaid may, on the application of the holder of any warrant drawn by them or their predecessors, by virtue of said act, approved March seventeenth, eighteen hundred and forty-seven, take up and cancel any such warrants, and issue other warrants to

Ibid.

[No. 107.]

AN ACT to provide for an additional Circuit Court Commissioner
for the county of Wayne.

Section 1. *The People of the State of Michigan enact, That the* Governor may, by and with the advice and consent of the Senate, appoint an additional circuit court commissioner for the county of Wayne who shall hold his office till the first day of January, one thousand eight hundred and fifty-three, and shall be authorized to discharge all the legal duties of circuit court commissioners, and shall be liable to all the provisions of law touching said office.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 108.]

AN ACT to amend section three and section five of an act entitled
an act to incorporate the Monroe and Dearborn Plank Road Company, approved February eighteenth, eighteen hundred and fifty -

Sec. 3 of
act No. 30
of 1850 a-
mended.

Section 1. *The People of the State of Michigan enact, That* section three of an act entitled an act to incorporate the Monroe and Dearborn Plank Road Company, approved February the eighteenth, eighteen hundred and fifty, be and the same is hereby amended by adding in the second line of section three, after the word "thousand," the words "four hundred;" [so] that section three as amended will read as follows:

Capital.

"Sec. 3. The capital stock of said company shall be sixty thousand dollars, to be divided into two thousand four hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act."

Sec. 5 amended.

Sec. 2. That section five be amended in line five, by inserting after the word "Dearborn," "or not varying more than one half mile therefrom;" [so] that section five as amended will read as follows:

Route.

"Sec. 5. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the territorial road, so called, from Monroe to Flat Rock; also so much of the road along which the tel-

LAWS OF MICHIGAN.

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ographic wires run from Flat Rock to Dearborn, or not varying more than one half mile therefrom; and proceed to construct and maintain thereon a plank road: *Provided, however,* That during the construction of said plank road, said company shall in no wise prevent or improperly obstruct the usual travel thereon."

Approved April 7, 1851.

[No. 109.]

AN ACT to amend sections two of an act entitled an act to incorporate the village of Coldwater in the county of Branch, approved February 29th, 1837.

Section 1. *The people of the State of Michigan enact,* That section two of an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February twenty-ninth, eighteen hundred and thirty-seven, be and the same is hereby amended by striking out the word "May," wherever it occurs in line 4 of the printed section, and insert in lieu thereof the word "March;" so that said section as amended will read as follows:

Sec. 2 of act
No. 24 of
1837 amended.

"It shall be lawful for the free male inhabitants of said town having the qualifications of electors, to meet at the Central Exchange in said village of Coldwater, on the first Monday of March next, and on the first Monday of March, annually, thereafter, and then and there proceed, by a plurality of votes, to elect by ballot a president, recorder and six trustees, who shall hold their offices one year, and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business; but a less number may adjourn from time to time: *Provided,* That if an election of president, recorder and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed."

Election of
officers.

Proviso.

Sec. 2. It shall be lawful for said corporation to purchase one or more fire engines, and to raise by tax upon the real and personal property within the limits of said corporation, a sum sufficient to pay

Fire engines

By-laws & ordinances. for said fire engines, and to make all needful rules, ordinances and by-laws for the prevention of fires, for the organization and regulation of one or more fire companies, and also a hook and ladder company, and to construct reservoirs, not exceeding five in number, and to keep the same in repair; and shall also have power to make, construct and keep in repair all necessary tanks, pumps, pump-logs, pipes, conduits or other things, for the purpose of supplying said reservoirs with water; and may contract with any person or persons, bodies politic or corporate, for supplying said reservoirs with water, and also make all needful rules and regulations for the preservation of said water-works.

Reservoirs.

Approved April 7, 1851.

[No. 110.]

AN ACT to authorize the Board of State Auditors to examine and the claim of Samuel W. Pitts.

Section 1. *The People of the State of Michigan enact, That the* board of State auditors be and they are hereby authorized to examine and settle the claim of Samuel W. Pitts, for damages for right of way: *Provided*, That the finding and decision of the said board of State auditors shall be and remain a final adjustment of said matter between him and the State: *And provided further*, That for any sum that shall be found due to the said Samuel W. Pitts by the said board of State auditors, such finding shall be thereupon reported by said board to the Auditor General, who shall draw his warrant on the Treasurer of the State for such sum, to be paid out of the treasury in any moneys therein not otherwise appropriated.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 111.]

AN ACT to provide for correcting an error made by the treasurer of the town of Phelpsstown, in Ingham county, in making his returns to the County Treasurer.

Section 1. *The People of the State of Michigan enact, That the* treasurer of the town of Phelpsstown, in the county of Ingham, be

Error authorized to be corrected

allowed to correct a mistake that occurred in making his returns to the county treasurer of non-resident taxes for the year one thousand eight hundred and fifty, whereby certain non-resident lands were not returned as they should have been, to wit: N $\frac{1}{2}$ of N W $\frac{1}{2}$ and S E of N W $\frac{1}{2}$ of section 36 and N $\frac{1}{2}$ of N E $\frac{1}{2}$ of section 14, both of town four north of range one east.

Sec. 2. The correction above referred to must be made before the second Saturday of April next, or otherwise the privileges of this act ^{when to be made.} shall be null and void.

Sec. 3. A transcript of the unpaid taxes above referred to, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and each unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year one thousand eight hundred and fifty, duly returned to the Auditor General for non-payment. ^{Transcript of unpaid taxes, where returned.}

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1851.

[No. 112.]

AN ACT to change the name of John Atson Atwater.

Section 1. *The People of the State of Michigan enact*, That the name of John Atson Atwater, a minor and son of Adriaac Atwater, of the county of Kalamazoo, be and the same is hereby changed to John Atson Rosebrook.

Approved April 7, 1851.

[No. 113.]

AN ACT to provide for filling vacancies that exist or may occur in certain judicial offices.

Section 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor, and he is hereby authorized, to fill by ^{Duty of Governor.} appointment any vacancy or vacancies that may exist or hereafter

When to meet at capital. the village of Lansing, on the third Monday of August, and the persons composing it shall organize by choosing one of their number chairman, and the deputy Auditor General, or one of the clerks in the office of the Auditor General, shall act as secretary, who shall keep a record of the proceedings, which shall be certified by said chairman and secretary, and filed in the office of the Auditor General.

Who to act as secretary
Constitutional oath. Sec. 3. The several persons constituting the board as herein provided, before entering upon the duties of their office, shall each take and subscribe the constitutional oath of office, before some person authorized to administer oaths; which oaths shall be filed and preserved with the proceedings of the board.

Board to examine tabular statements of boards of supervisors. Sec. 4. After said board shall have been organized, they shall proceed to examine the tabular statements of the board of supervisors of each county, provided for in the eighth section of this act, and to hear the representatives from the several boards of supervisors as hereinafter provided; and they shall determine whether the relative valuation between the several counties is equal and uniform, according to location, soil, improvements, production, and manufactures; and also whether the personal estate of the several counties has been uniformly estimated, according to the best information which can be derived from the statistics of the State, or from any other source. If, after such examination, such assessment shall be determined relatively unequal, they shall equalize the same by adding to or deducting from the aggregate valuation of taxable real and personal estate in such county or counties, such per centage as will produce relative equal and uniform valuations between the several counties in the State; and the per centage added to or deducted from the valuations in each county, shall be entered upon their records; and the valuations of the several counties, as equalized, shall be certified and signed by the chairman and secretary of the board, and filed in the office of the Auditor General, and shall be the basis for apportioning all State taxes until another equalization shall be made.

Assessments relatively unequal, how equalized.
Duty of Auditor General and Co. treasurer. Sec. 5. It shall be the duty of the Auditor General, as soon as may be, after the determination of the State board of equalization, shall be filed in his office, as provided in the preceding section, to send a certified transcript of the same to the treasurer of each county -

who shall cause the same to be published in one or more papers in the county.

Sec. 6. A meeting of the board of supervisors for the year eighteen hundred and fifty-one, shall be held on the second Monday of June, and on the second Monday of June every fifth year thereafter; and when convened, the board shall proceed to equalize the assessment rolls in the same manner as is provided in chapter twenty of the revised statutes of eighteen hundred and forty-six; and each of said supervisors shall add up the columns of their respective rolls, enumerating the number of acres of land, and the value of the real estate and personal property so assessed, so as to show the aggregate of each.

Board of supervisors to equalize assessments.

Sec. 7. The board of equalizers shall hear any evidence which may be laid before them by any person appointed by any board of supervisors, and any representation made by such person in behalf of any county.

Evidence.

Sec. 8. It shall be the duty of the clerk of each board of supervisors to make out a tabular statement, from the aggregate of the several assessment rolls, of the number of acres of land, and the value of the real estate and personal property in each township and ward, as assessed, and also the aggregate valuation of the real estate of each roll as equalized, and make a certified copy thereof, signed by the chairman and clerk, and transmit the same to the Auditor General, on or before the second Monday of July following, who shall lay the same before the State board of equalization, when organized.

Clerk of board of supervisors to make out tabular statement.

Where to be transmitted.

Sec. 9. Any three members of the board shall constitute a quorum for the transaction of business. The Lieutenant Governor shall receive three dollars a day for actual attendance, and ten cents a mile for travel in going to and returning from the seat of government, the usual traveled route, to be paid out of the treasury on the warrant of the Auditor General.

Three to constitute quorum. Compensation of Lt. Governor.

Sec. 10. This act shall take effect immediately.

Approved April 7, 1851.

[No. 107.]

AN ACT to provide for an additional Circuit Court Commissioner for the county of Wayne.

Section 1. *The People of the State of Michigan enact, That the Governor may, by and with the advice and consent of the Senate, appoint an additional circuit court commissioner for the county of Wayne, who shall hold his office till the first day of January, one thousand eight hundred and fifty-three, and shall be authorized to discharge all the legal duties of circuit court commissioners, and shall be liable to all the provisions of law touching said office.*

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 108.]

AN ACT to amend section three and section five of an act entitled an act to incorporate the Monroe and Dearborn Plank Road Company, approved February eighteenth, eighteen hundred and fifty -

Sec. 3 of
act No. 30
of 1850 a-
mended.

Section 1. *The People of the State of Michigan enact, That section three of an act entitled an act to incorporate the Monroe and Dearborn Plank Road Company, approved February the eighteenth, eighteen hundred and fifty, be and the same is hereby amended by adding in the second line of section three, after the word "thousand," the words "four hundred;" [so] that section three as amended will read as follows:*

Capital.

"Sec. 3. The capital stock of said company shall be sixty thousand dollars, to be divided into two thousand four hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act."

Sec. 5 amended.

Sec. 2. That section five be amended in line five, by inserting after the word "Dearborn," "or not varying more than one half mile therefrom;" [so] that section five as amended will read as follows:

Route.

"Sec. 5. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the territorial road, so called, from Monroe to Flat Rock; also so much of the road along which the tel-

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ographic wires run from Flat Rock to Dearborn, or not varying more than one half mile therefrom; and proceed to construct and maintain thereon a plank road: *Provided, however,* That during the construction of said plank road, said company shall in no wise prevent or improperly obstruct the usual travel thereon."

Approved April 7, 1851.

[No. 109.]

AN ACT to amend sections two of an act entitled an act to incorporate the village of Coldwater in the county of Branch, approved February 29th, 1837.

Section 1. *The people of the State of Michigan enact,* That section two of an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February twenty-ninth, eighteen hundred and thirty-seven, be and the same is hereby amended by striking out the word "May," wherever it occurs in line 4 of the printed section, and insert in lieu thereof the word "March;" so that said section as amended will read as follows:

Sec. 2 of act
No. 24 of
1837 amended.

"It shall be lawful for the free male inhabitants of said town having the qualifications of electors, to meet at the Central Exchange in said village of Coldwater, on the first Monday of March next, and on the first Monday of March, annually, thereafter, and then and there proceed, by a plurality of votes, to elect by ballot a president, recorder and six trustees, who shall hold their offices one year, and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business; but a less number may adjourn from time to time: *Provided,* That if an election of president, recorder and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed."

Election of
officers.

Provided.

Sec. 2. It shall be lawful for said corporation to purchase one or more fire engines, and to raise by tax upon the real and personal property within the limits of said corporation, a sum sufficient to pay

Fire engines

By-laws & ordinances. for said fire engines, and to make all needful rules, ordinances and by-laws for the prevention of fires, for the organization and regulation of one or more fire companies, and also a hook and ladder company, and to construct reservoirs, not exceeding five in number, and to keep the same in repair; and shall also have power to make, construct and keep in repair all necessary tanks, pumps, pump-logs, pipes, conduits or other things, for the purpose of supplying said reservoirs with water; and may contract with any person or persons, bodies politic or corporate, for supplying said reservoirs with water, and also make all needful rules and regulations for the preservation of said water-works.

Reservoirs.

Approved April 7, 1851.

[No. 110.]

AN ACT to authorize the Board of State Auditors to examine and the claim of Samuel W. Pitts.

Section 1. *The People of the State of Michigan enact, That the board of State auditors be and they are hereby authorized to examine and settle the claim of Samuel W. Pitts, for damages for right of way: Provided, That the finding and decision of the said board of State auditors shall be and remain a final adjustment of said matter between him and the State: And provided further, That for any sum that shall be found due to the said Samuel W. Pitts by the said board of State auditors, such finding shall be thereupon reported by said board to the Auditor General, who shall draw his warrant on the Treasurer of the State for such sum, to be paid out of the treasury in any moneys therein not otherwise appropriated.*

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 111.]

AN ACT to provide for correcting an error made by the treasurer of the town of Phelpstown, in Ingham county, in making his returns to the County Treasurer.

Error authorized to be corrected. Section 1. *The People of the State of Michigan enact, That the treasurer of the town of Phelpstown, in the county of Ingham, be*

allowed to correct a mistake that occurred in making his returns to the county treasurer of non-resident taxes for the year one thousand eight hundred and fifty, whereby certain non-resident lands were not returned as they should have been, to wit: N $\frac{1}{4}$ of N W $\frac{1}{4}$ and S E of N W $\frac{1}{4}$ of section 36 and N $\frac{1}{4}$ of N E $\frac{1}{4}$ of section 14, both of town four north of range one east.

Sec. 2. The correction above referred to must be made before the second Saturday of April next, or otherwise the privileges of this act shall be null and void. when to be made.

Sec. 3. A transcript of the unpaid taxes above referred to, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and each unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year one thousand eight hundred and fifty, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes, where returned.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1851.

[No. 112.]

AN ACT to change the name of John Atson Atwater.

Section 1. *The People of the State of Michigan enact*, That the name of John Atson Atwater, a minor and son of Adriac Atwater, of the county of Kalamazoo, be and the same is hereby changed to John Atson Rosebrook.

Approved April 7, 1851.

[No. 113.]

AN ACT to provide for filling vacancies that exist or may occur in certain judicial offices.

Section 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor, and he is hereby authorized, to fill by appointment any vacancy or vacancies that may exist or hereafter Duty of Governor.

Vacancies; how filled. occur in the offices of judge of the supreme court or county judge; and such appointment shall continue until the first day of January next.

Ibid. Sec. 2. The Governor is also hereby authorized to fill by appointment any vacancy that may occur in the office of circuit court commissioner; such appointment to continue till the first day of January, one thousand eight hundred and fifty-three: *Provided*, That if a vacancy in any of the offices in this act named occur during the session of the Legislature, the appointment to fill the same shall be made by and with the advice and consent of the Senate.

Proviso.

Sec. 3. This act shall take effect immediately.

Approved April 7, 1851.

[No. 114.]

AN ACT to organize the county of Oceana.

County of Oceana organized. Section 1. *The People of the State of Michigan enact*, That the county of Oceana shall be organized, and the inhabitants thereof entitled to all the rights and privileges to which by law the inhabitants of the other organized counties of this State are entitled.

Election of Co. officers; how held. Sec. 2. There shall be elected in the said county of Oceana, on the first Tuesday of November, in the year one thousand eight hundred and fifty-one, all the several county officers to which by law the said county is entitled; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers: *Provided*, That the county officers so to be elected shall be qualified and enter upon the duties of their respective offices on the first Monday in January, one thousand eight hundred and fifty-two: *Provided further*, That until such county officers are elected and qualified, the proper county officers of the county of Ottawa shall perform all the duties appertaining to the said county of Oceana, in the same manner as though this act had not passed.

Proviso.

Proviso.

County canvassers.

Sec. 3. The board of canvassers in said county, under this act, shall consist of the presiding inspectors of elections from each township therein; and said inspectors shall meet at the county seat of said

county, at the time appointed by law for the county canvass, and immediately after the election authorized in the second section of this act, and organize by appointing one of their number chairman, and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Sec. 4. That the county seat of said county of Oceana be and the same] is hereby fixed and established on lot two of section two, in Location of county seat. own eleven north of range eighteen west, near the mouth of White River, on the north side thereof, until otherwise provided for in accordance with the provisions of law.

Sec. 5. That the counties of Newaygo, Lake, Mason and Manistee Counties attached for Representative purposes. e and they are hereby attached to the county of Oceana for representative purposes.

Approved April 7, 1851.

[No. 115.]

AN ACT to provide for publishing the annual report of the Michigan State Agricultural Society.

Section 1. *The People of the State of Michigan enact*, That one Annual report of society. thousand and five hundred copies of the annual report of the Michigan State Agricultural Society of the year eighteen hundred and fifty, be printed under the supervision of the Secretary of State, in the same form of those published the preceding year; and the Secretary of State shall cause so much of the statistics of this State, taken by authority of the United States in the year eighteen hundred and fifty, as is required to be condensed and published by an act of the present Statistics to be published with report. legislature, to be printed in the volume of said report, if the same prepared for publication by the first day of August next; and when completed shall reserve thirty copies for the use of the State library, and the remaining copies shall be forwarded by him to the recording secretary of the Michigan State Agricultural Society, for the use of said society, under the control of the executive committee thereof.

Sec. 2. And the Secretary of State shall cause the like number of

Copies;
how distri-
buted.

copies of the annual report of said society for the year eighteen hundred and fifty-one, to be published in the same form of those of eighteen hundred and fifty, and shall reserve the like number for the use of the State Library, and forward the remaining copies to the recording secretary of said society, for the use of the society, as above provided.

Report to
be trans-
mitted to
Sec'y State.

Sec. 3. The Michigan State Agricultural Society shall transmit to the Secretary of State the annual report of said society for the year eighteen hundred and fifty-one, and every second year thereafter, embracing the same kind of information as is required in the third section of an act entitled an act to incorporate the Michigan State Agricultural Society, approved March thirty-first, eighteen hundred and forty-nine, any law to the contrary notwithstanding.

Approved April 7, 1851.

[No. 116.]

AN ACT to amend the second section of an act entitled an act to incorporate the Eagle Harbor Mining Company, approved March 27, 1848.

Sec. 2 of act
No. 124 of
1848 amen-
ded.

Section 1. *The people of the State of Michigan enact, That section two of "an act to incorporate the Eagle Harbor Mining Company," approved March twenty-seven, eighteen hundred and forty-eight, be and the same is hereby amended by striking out from line three the words "one hundred," and inserting the word "thirty;" and by striking out all after the word "Michigan," in the fourth line, and substituting the words "as shall be necessary for the exercise of its corporate franchises;" so that said section shall read:*

Capital
stock, &c.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Certificate
of accept-
ance;
where filed.

Sec. 2. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president or a majority of the directors of said company, in the office of the

Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 7, 1851.

[No. 117.]

AN ACT to provide for notice of application for alterations and amendments of the charters of corporations.

Section 1. *The People of the State of Michigan enact*, That after the session of the legislature for the year eighteen hundred and fifty-one, previous notice of any application to the legislature for an alteration of the charter of any corporation shall be given in the manner hereinafter provided. When the application is made by or on behalf of the corporation, such notice shall be given and signed by the mayor, president, cashier, secretary or other principal officer, or a majority of the directors, aldermen or trustees; and when made by or on behalf of one or more individuals, then by the person or persons making the same; and all such notices shall set forth briefly the nature of the alteration applied for.

Notice of application for alteration or amendment of charters; how given.

Sec. 2. If the business of such corporation shall be local in its character, and confined to one of the counties of this State, other than those of the upper peninsula, such notice shall be published in some weekly newspaper published in such county, or if none in the county, then in one published nearest thereto, for at least four successive weeks; the first publication whereof shall be at least thirty days prior to the making of such application. If the business of such corporation shall not be local in its character, or if the business authorized by the charter shall be confined chiefly to the upper peninsula, then such notice shall be published once in each week for four successive weeks, in some paper published in the city of Detroit; the first publication whereof shall be at least thirty days prior to the making of such application. And if the applicant or applicants shall not be able to get such notice published in such paper as in this section mentioned, after having tendered to the publishers thereof a reasonable compensation therefor, then such notice may be filed in the office of the county clerk of the county where the principal business office of such corporation may be located, and a duplicate

thereof in the office of the Secretary of State, at least thirty days prior to such application; and such filing shall be deemed a sufficient publication thereof; and proof of the publication or filing of such notice as in this section mentioned, by affidavit of the publisher, or the certificate of the Secretary of State, shall accompany every application in this section mentioned.

Ibid.

Sec. 3. Nothing in this act contained shall prevent any corporation, or any individual from applying to the legislature for an amendment of any act of incorporation without such notice as above provided, if the amendment applied for be shown to be necessary to provide for any accident or to remedy any defect which may have occurred within the period herein above required for the giving of such notice, nor shall this act prevent the legislature without such notice from amending any charter of a municipal corporation in any particular which they may deem necessary for the public interest; and in either of the cases in this section mentioned, one day's previous notice in either house, by a member thereof, shall be deemed sufficient.

Approved April 7, 1851.

[No. 113.]

AN ACT supplemental to an act entitled an act to incorporate the Walker and Vergennes Plank Road Company, approved April one, eighteen hundred and fifty.

Can. authorized to issue bonds.

Section 1. *The people of the State of Michigan enact, That for the purpose of providing means for the construction and completion of the plank road of the Walker and Vergennes Plank Road Company, and its buildings and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places within this State, upon such terms and with such rates of interest (not exceeding ten per cent. per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of said company; and may secure the payment of the whole or any portion of said bonds or*

obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars. And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms as said company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par without the consent of the holders of three-fourths of the stock of said company.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend and payable at such place and in such manner and with such preference or priority over the remaining stock of said company, in the payment of dividends, as the directors of said company may determine, and as shall be approved by the holders of three-fourths of the stock of said company, at their annual meeting or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting and the intention of submitting that question shall have been published in some newspaper in the city of Grand Rapids, at least six months previous thereto.

Sec. 3. This act shall take effect immediately, and the said compa-

Certificate
of accep-
tance;
where filed.

ny shall be entitled to its benefits and subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 7, 1851.

[No. 119.]

AN ACT to amend an act to incorporate the village of Kalamazoo, and the acts amendatory thereto.

Boundaries.

Section 1. *The People of the State of Michigan enact*, That all that tract of country, situate in the county of Kalamazoo, and designated on the plat in the land office of the western district, as that part of section fifteen (15) south of the north half quarter line and west of the Kalamazoo river and Portage creek, the east half of section sixteen (16) south of the north half quarter line, the north-east quarter of section twenty-one, (21,) and the north half of section twenty-two, (22,) lying north and west of the Portage creek, and including the burying ground on the north-west corner of the south-west quarter of section twenty-two, (22,) in town two south of range eleven west, be and the same is hereby constituted a village corporate, under the name of the village of Kalamazoo.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 120.]

AN ACT to provide for holding General Elections in the Upper Peninsula.

General
election;
when held.

Section 1. *The People of the State of Michigan enact*, That a general election shall be held in the several townships and wards of that portion of the State denominated the upper peninsula, as described in section one, article nineteen of the revised constitution, and such other territory as may be attached thereto for election purposes, on the last Tuesday of September, [in the year eighteen hundred and fifty-two, and on the last Tuesday of September] every

two years thereafter, at which there shall be elected one district attorney, one senator and three representatives in the State legislature, and such county officers as are authorized by law to be elected in the several counties of this State, except prosecuting attorneys; which election shall be notified, conducted, canvassed, certified, determined and recorded in all respects, as near as may be, according to the provisions of law relative to holding general elections, except as to the time above mentioned, and as is hereinafter provided.

Officers to
be elected.

Sec. 2. The county canvass shall be held on the first Tuesday in October next after such election, and the district canvass shall be held on the last Tuesday of said October, at such places as shall be designated by law.

County can-
vass; when
held.

Approved April 7, 1851.

[No. 121.]

AN ACT to provide for the election of a District Judge and Regent of the University in the Upper Peninsula.

Section 1. *The People of the State of Michigan enact, That an election shall be held in the several townships and wards of that portion of the State denominated the Upper Peninsula, as described in section one, article nineteen of the revised constitution, on the last Tuesday of September in the year eighteen hundred and fifty-one, and on the last Tuesday of September every sixth year thereafter, at which there shall be elected one district judge for such district, and one regent of the university, in conjunction with the county of Wayne; which elections shall be notified, conducted, canvassed, certified, recorded, and the result thereof transmitted, in all respects, as near as may be, in conformity with the provisions of an act entitled an act to provide for the election of circuit judges and regents of the university, approved March ten, eighteen hundred and fifty-one.*

Approved April 7, 1851.

[No. 122.]

AN ACT to provide for publishing the statistics of this State taken by authority of the United States in the year eighteen hundred and fifty.

Duty of
Sec'y State
relative to
certain sta-
tistical in-
formation.

Section 1. *The People of the State of Michigan enact, That the* Secretary of State is hereby authorized and required to cause to be condensed, in proper form for publication, so much of the statistics of this State, taken by authority of the United States in the year eighteen hundred and fifty, as is hereinafter specified, to wit: so much as shows the number of dwelling houses, (designating those in cities,) the number of families, the number of persons, (designating the colored,) the number of deaf and dumb, blind and insane, the number of acres of improved and unimproved land, the aggregate value of real estate, the aggregate value of farming implements and machinery, the number of each class of live stock, and the aggregate value thereof, the number of bushels of each kind of grain, the number of bushels of potatoes and clover seed, the number of pounds of wool, butter, cheese and maple sugar, the value of orchard products, the number of tons of hay, the value of home-made manufactures, the number and kind of mills and manufactories, the motive power, and the value of products.

To be pub-
lished and
by him dis-
posed of.

Sec. 2. And when the statistics shall be condensed as above provided, the Secretary of State shall cause two thousand copies to be printed in pamphlet form; and when published, shall transmit three copies to each organized township in this State—one copy for the use of the supervisor, one copy for the township clerk, and one copy for the township library; and shall also transmit twenty-five copies to the mayor of each city, for the use of the city library.

Compensa-
tion.

Sec. 3. The board of State Auditors shall audit and allow such sums as they may deem proper for clerk hire in preparing the statistics for publication; and the amount certified to be due each individual shall be paid out of the State treasury on the warrant of the Auditor General.

Sec. 4. This act shall take effect immediately.

Approved April 7, 1851. .

LAWS OF MICHIGAN.

180

[No. 123.]

AN ACT to amend an act entitled an act to incorporate the Detroit and Lake St. Clair Plank Road Company.

Section 1. *The People of the State of Michigan enact*, That section four of an act entitled an act to incorporate the Detroit and St. Clair Plank Road Company, approved March twenty-eighth, eighteen hundred and fifty, is hereby repealed, and the following substituted instead thereof, to stand as section four: "As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the centre of said extension of Jefferson Avenue or river road, so called, commencing at the east line of the corporate limits of the city of Detroit, as lies between the said east line of the city of Detroit and the south east corner of Macomb county, and proceed to construct and maintain thereon a plank road. The inhabitants of the townships of Hamtramck and Grosse Point shall be permitted to travel on said plank road for a rate of toll not exceeding one cent per mile for a double team, and one half of a cent per mile for a single team or horse: *Provided*, That during the construction of said plank road, that said company shall in no wise prevent or improperly obstruct the usual travel thereon: *And provided further*, That the assent of the commissioners of highways, or a majority of them, of the townships through which said road passes, shall first be obtained: *And provided further*, That no toll gate shall be erected or maintained at any point nearer than half a mile from the eastern boundary line of Detroit, and that said company shall obtain the consent of the owner of the premises on which such gate may be erected, before erecting the same, and no toll-house shall be built within the line of the river road."

Sec. 4 of act No. 155 of 1850 repealed.

Authority of board of directors.

Proviso.

Proviso.

Proviso.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the city of Detroit in the county of Wayne, on the extension of Jefferson Avenue or river road, so called, to the south east corner of the county of Macomb.

Approved April 7, 1851.

[No. 124.]

AN ACT supplemental to an act entitled an act to incorporate the
Clair Plank Road Company, approved April 2, 1849.

Co. authori-
zed to issue
bonds for
certain pur-
poses.
Section 1. *The People of the State of Michigan enact, That*

the purpose of providing means for the construction and comple
of the plank road of the St. Clair plank road company, and its b
and equipments, the said company may issue its corporate bond
obligations for such amounts, not exceeding in the aggregate
sum of twenty thousand dollars, and in such form as it may d
proper, and payable at such times and places within this State, u
such terms and with such rates of interest (not exceeding ten
cent per annum) as the board of directors of said company may
termine, with the approval of the holders of a majority of the s
of said company, and may secure the payment of the whole or
portion of said bonds or obligations by mortgage of the road or
property of said company: *Provided*, No such bond or oblig

Proviso.

shall be issued for a less sum than one hundred dollars. And
company may sell, dispose of and negotiate such bonds or obl
tions, either within or without this State, at such rates, for such pu
and on such terms as said company may determine; and in case
bonds or obligations, or any of them, shall be thus sold, dispose
or negotiated at a discount, said sale, disposal or negotiation sha
as valid and effectual as if said bonds or obligations had been s
disposed of or negotiated at their par value; and said bonds or
gations shall be valid and binding as a security for the whole
payable by the terms thereof, in the same manner as if they
been sold, disposed of or negotiated at their par value: *Provi*

Proviso.

That none of such bonds or obligations shall be sold at less than
value without the consent of the holders of three-fourths of the s
of said company.

Authority to
issue con-
struction
stock.

Sec. 2. For all or any of the purposes aforesaid, said comp
may create and issue shares of guarantied stock, to be denomi
"construction stock," to such an amount as it may determine, no
exceed (with the original stock subscribed to the capital of said c
pany) the amount of their capital stock allowed by law; which
struction stock shall be entitled to such dividend, and payabl
such place, and in such manner, and with such preference or pric

over the remaining stock of said company, in the payment of dividends as the directors of said company may determine, and as shall be approved by the holders of a majority of the stock represented at their annual meeting or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock and their representatives shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting and the intention of submitting that question, shall have been published in some newspaper, in the county of St. Clair, at least six weeks previous thereto.

Holders of
entitled to
vote.

Provido.

Sec. 3. This act shall take effect immediately, and said company shall be entitled to its benefits and subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Acceptance
of act; where
filed.

Approved April 7, 1851.

[No. 125.]

AN ACT to amend chapter one hundred and fourteen of the revised statutes, entitled of proceedings against debtors by attachment.

Section 1. *The People of the State of Michigan enact*, That in all cases where a writ of attachment has been or shall be issued and served under the provisions of law, it shall be lawful for any defendant whose property may be attached by virtue of such writ, to apply to the judge of the circuit court or to the circuit court commissioner of the county where such writ issued, for a dissolution of such attachment; which application shall be in writing, and shall contain the reasons for such application.

Defendant
may apply
to circuit
judge or cir-
cuit court
commis-
sioner for
dissoluti'n of
attachment.

Sec. 2. Upon the presentation of such application, the judge or said commissioner shall issue a citation to the plaintiff in attachment,

Citation to plaintiff; when to issue. requiring him to show cause on a day and at a time and place in said citation to be named, before the said judge or commissioner, why the said attachment should not be dissolved and the property be restored to the defendant in attachment.

How served. Sec. 3. The citation shall be served three days at least before the return day thereof, by reading it to the plaintiff in attachment, (or to either of them, if there be more than one,) if found within the county, and if not, then the same may be served upon the agent or attorney of the plaintiff, by the sheriff, either of his deputies, or any constable or other person authorized by such judge or commissioner, and on the return day thereof, or at such other day thereafter, as the judge or commissioner shall appoint for that purpose, he shall proceed to hear the proofs and allegations of the parties; and if said judge or commissioner shall be satisfied that such plaintiff had not a good and legal cause for suing out such writ, the said judge or commissioner may order such attachment to be dissolved, and the property attached to be restored to the defendant; and may, at his discretion, require the said defendant to enter his appearance to the plaintiff's action prior to the dissolution of such attachment.

When property attached may be restored.

Attendance of witnesses.

Sec. 4. The judge or commissioner shall have full power to issue subpoenas (and if necessary, attachments,) to compel the attendance of witnesses to testify in such cases, and may order the costs of such proceedings, by citation, to be paid by the party against whom the decision of the judge shall be in the premises, and may issue execution therefor, returnable in sixty days from its date.

Approved April 7, 1851.

[No. 126.]

AN ACT to provide for the special election of a county treasurer in the county of Wayne.

Special election. Section 1. *The people of the State of Michigan enact*, That at the general election to be held in November next, a special election for a county treasurer in the county of Wayne shall be held, and the inspectors of election in the several townships and wards of the city of Detroit, in the county of Wayne, shall provide a suitable box for the reception of ballots for the office of county treasurer; and the spe-

cial election by this act provided for shall be conducted, and the result thereof canvassed and certified, in all respects, as near as may be, in like manner as at general elections under existing laws.

Sec. 2. As soon as the board of county canvassers shall have determined the person elected to the said office of county treasurer, they shall cause such person to be notified of his election; and upon his complying in all respects with the requirements of law in such behalf provided, he shall enter upon the discharge of the duties of said office, and hold the same for the residue of the unexpired term.

Duty of
board of Co.
canvassers.

Sec. 3. It shall be the duty of the Secretary of State forthwith to transmit to the sheriff and county clerk of the county of Wayne, certified copies of this act; and said county officers, upon the receipt thereof, shall immediately give notice of the election herein provided for to the several township clerks, and publish said notice in the several daily newspapers in the city of Detroit, daily, till the time of election.

Duty of
Sec'y State.

Sec. 4. This act shall take effect immediately.

Approved April 7, 1851.

[No. 127.]

AN ACT to repeal an act to amend sections two and three of an act entitled an act to incorporate the Copper Falls Mining Company, approved March 15th, 1848, approved March 8th, 1851.

Section 1. *The People of the State of Michigan enact*, That an act to amend sections two and three of an act entitled an act to incorporate the Copper Falls Mining Company, approved March 15th, 1848, approved March 8th, 1851, be and the same is hereby repealed.

Repeal.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 128.]

AN ACT to amend sections sixty-eight and seventy-four of an act to consolidate the laws in relation to county courts, and for other purposes, approved April second, one thousand eight hundred and forty-nine, and to provide for the removal of causes from said county courts to the circuit courts.

Sec. 68 of
act No. 219
of 1849 a-
mended.

Section 1. *The People of the State of Michigan enact*, That section sixty-eight of an act to consolidate the laws in relation to county courts, and for other purposes, approved April second, one thousand eight hundred and forty-nine, be and the same is hereby amended so as to read as follows:

Notice of
intention to
remove
cause; and
affidavit
thereon.

"Sec. 68. The party intending to apply for such certiorari shall give to the judge of the county court rendering such judgment, within ten days after the rendition of the same, a notice in writing of the intention to remove the case to the circuit court, and shall within the same time make or cause to be made an affidavit, setting forth the substance of the testimony, and the proceedings in the county court, and the grounds upon which the allegation of error is founded: *Provided however*, That no certiorari shall be dismissed, nor shall the party who may have taken the same, lose the benefit thereof by reason of any omission or defect in said affidavit, if the said party, his agent or attorney, shall amend such affidavit and supply such defect at any time before the said certiorari shall be dismissed or granted. And said party shall have the right to amend such affidavit and supply such defects. And the court in which such certiorari may be pending shall have the right to compel a further return to such amended affidavit, if it shall deem the same necessary."

Proviso.

Sec. 74 a-
mended.

Sec. 2. That section seventy-four of said act be and the same is hereby amended, so as to read as follows:

Circuit
court may
compel re-
turn.

"Sec. 74. The circuit court may compel such judge to make or amend such return, by rule, order or attachment, as the case may require, whether the judge of said county court before whom the cause was tried, remain in office or not."

Transfer of
cause to cir-
cuit court
authorized
and entry
thereof;
where made

Sec. 3. Either the plaintiff or defendant in any civil suit, or the prosecuting attorney or the defendant in any criminal cause, may, at his or either of their option, elect to have such cause transferred to the circuit court of the county for trial; and in case of electing to

have the same so transferred, an entry thereof shall be made in the journal or in the records of the county court: and the clerk thereof shall thereupon transfer and file all the papers in such cause in the circuit court for his county, and such circuit court shall thereupon be possessed of the cause, and shall have power to determine the same: *Provided*, That neither party lose any rights by such transfer which he would have had if the same had been tried in the county court; but all the subsequent proceedings shall be the same, as far practicable, as if said causes had been originally brought in the circuit court, so far, and so far only, as the same can be done without impairing the rights or the remedy which either party would have had if such cause had remained in the county court." Proviso.

Sec. 4. This act shall take effect immediately.

Approved April 7, 1851.

[No. 129.]

AN ACT to provide for the re-assessment of certain taxes of 1850, in the township of Montcalm in the county of Montcalm.

Section 1. *The People of the State of Michigan enact*, That the supervisors of the county of Montcalm be and they are hereby empowered to re-assess the taxes of the year eighteen hundred and fifty, upon the township of Montcalm in said county, in the manner and under the same limitations and restrictions as if the same had been returned to the office of the Auditor General and there rejected for informality: *Provided*, That the said re-assessment upon the township of Montcalm, shall conform as far as practicable with the assessment roll of eighteen hundred and fifty, made for the aforesaid township of Montcalm, and that it shall distinctly appear to the board of supervisors of the county of Montcalm that the taxes assessed upon the township of Montcalm aforesaid, for the year eighteen hundred and fifty, have not been collected and returned according to law. Authority of supervisors to re-assess certain taxes.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 130.]

AN ACT to amend chapter 59 of revised statutes of 1846, entitled of the State Land Office and the officers connected therewith.

Section 1. *The People of the State of Michigan enact*, That section six of chapter fifty-nine, of revised statutes of eighteen hundred and forty-six, be so amended as to read as follows:

Salaries.

"Sec. 6. The said commissioner shall appoint a deputy, and may also appoint one clerk, if the business of his office shall require it; such deputy shall receive an annual salary of six hundred dollars, and such clerk shall receive an annual salary not exceeding five hundred dollars, payable quarter-yearly.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 131.]

AN ACT to amend section two of an act to amend an act to incorporate the Shelby and Detroit Rail Road Company, approved May 4th, 1846.

Sec. 2 of act
No. 105 of
1846 amended.

Section 1. *The People of the State of Michigan enact*, That section two of an "act to amend an act to incorporate the Shelby and Detroit Rail Road Company, approved May fourth, eighteen hundred and forty-six, be amended so that the said section, as amended, shall read as follows, to wit:

Route.

"Said company shall have power to construct a rail road, with single or double track, from such point on the Detroit and Pontiac rail road, or from such point in or from the city of Detroit as the directors may deem for the interest of the company, through the villages of Utica and Romeo, in the county of Macomb, to the village of Port Huron, in the county of St. Clair, with power to transport, take and carry property and persons upon the same by the power and force of steam, of animals, or of any mechanical or other power, or any combination of them, and to enter into such contracts and agreements to lease or let their road, or to purchase iron, machinery, or other material for the construction of or the running of the same, with the Detroit and Pontiac Rail Road Company, or any other company, as they may think for their interest; and may make such alte-

Motive
power.

rations in the line of their road as a majority of the directors may decide upon.

Sec. 2. And in case a connection is made with the Detroit and Pontiac Rail Road Company, such connection shall be made between the city of Detroit and Royal Oak in the county of Oakland: *Provided*, Said road shall start from some point in or near the city of Detroit, or from some point between the city of Detroit and the village of Royal Oak in the county of Oakland, and shall pass through the villages of Utica and Romeo in the county of Macomb, to the village Port Huron in the county of St. Clair.

Connection with any other company authorized. Connect'n; where made. Proviso.

Sec. 3. This act shall take effect upon the president and secretary, by a vote of the directors, filing their assent thereto in the office of the Secretary of State.

Assent; where filed.

Approved April 7, 1851.

[No. 132.]

AN ACT to authorize the Board of Supervisors of the County of Shiawassee to loan money.

Section 1. *The People of the State of Michigan enact*, That the board of supervisors of Shiawassee county are hereby authorized to loan any sum of money, not exceeding in all the sum of ten thousand dollars, on the credit of the county, payable at such times and place, not less than five [nor] more than fifteen years, as they may deem expedient, and at a rate of interest not exceeding ten per cent per annum, to be applied toward finishing their court house and in the redemption of their outstanding county orders, or which may be outstanding on the first day of July next. And the said board of supervisors are hereby [authorized] and empowered to issue their bond or bonds for any sum or sums so loaned by virtue of and under a resolution of said board of supervisors or a majority of them. Said bonds so issued shall be signed by the chairman of said board, countersigned by the county clerk, and made payable to the order of and endorsed by said treasurer of said county. And for whatever moneys may be paid out and expended, out of any moneys so loaned, towards the finishing their court house, shall be paid out by the treasurer of said county upon the order of and by the authority of

Board of supervisors authorized to loan money.

How applied.

Board may issue bonds.

Funds; how paid out.

the building committee now appointed, or hereafter to be appointed by said board of supervisors, under the authority of said board.

Adoption or rejection of act to be submitted to electors.
 Sec. 2. This act shall be submitted to the electors of the county of Shiawassee, at the next general election in November next. And at said general election a ballot box shall be prepared and kept by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this act; and on the ballots shall be written or printed, or partly written and partly printed, the words "A loan by the county—yes," or "A loan by the county—no." And if a majority of the votes cast upon the question have thereon "a loan by the county—yes," this act shall become a law, and not otherwise.

Approved April 7, 1851.

[No. 133.]

AN ACT authorizing certain improvements on the school section in the village of Lansing.

Board of auditors authorized to expend certain sum of money for improvements at Lansing.
 Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors be and are hereby authorized and required to expend a sum not exceeding three thousand dollars, in felling and clearing off the timber on the unsold State lots in the village of Lansing, and for such other improvements as the said board may deem proper and beneficial to the primary school fund, by promoting the sale of school lands in said village of Lansing.

Accounts; how audited & paid.
 Sec. 2. All accounts for expenditures under this act shall be audited by the Board of State Auditors, and when audited and allowed, shall be paid from the State treasury on the warrant of the Auditor General, and charged to the primary school interest fund.

Approved April 7, 1851.

[No. 134.]

AN ACT to provide for supplying townships with certain books.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction be and he is hereby authorized

to purchase, at a price not exceeding one dollar per copy, three copies of the book called Political Landmarks for each organized township in this State, to be forwarded as soon as practicable to the township clerk, for the use of the school libraries in said township.

Sup't Public Instruction authorized to purchase certain books.

Sec. 2. Upon making such purchase, said Superintendent shall make and deliver to the seller of said books his certificate in writing, stating the number of books purchased, and the price to be paid for the same; and the Auditor General of the State, on presentation to him of said certificate, shall thereupon draw his warrant upon the State Treasurer for the amount named in said certificate, and said treasurer is directed to pay the amount of said warrant to the holder thereof, out of any moneys in the treasury not otherwise appropriated.

Compensation of seller.

Approved April 7, 1851.

[No. 135.]

AN ACT to repeal chapter thirty-six of title eight of the revised statutes of eighteen hundred and forty-six, relative to medical societies.

Section 1. *The People of the State of Michigan enact*, That chapter thirty-six of title eight of the revised statutes of eighteen hundred and forty-six, be and the same is hereby repealed.

Approved April 7, 1851.

[No. 136.]

AN ACT to amend section ten of chapter one hundred and fifty-five of title thirty of the revised statutes of eighteen hundred and forty-six, relative to crimes and the punishment thereof.

Section 1. *The People of the State of Michigan enact*, That section ten of chapter one hundred and fifty-five of title thirty of the revised statutes of eighteen hundred and forty-six be amended by adding to said section the following words, to wit: "and the lawful existence of any bank out of this State shall be presumed upon evidence that such bank is actually engaged in the transaction of business as a bank," so that said section, as amended, shall read as follows:

Sec. 10 of chap. 155 of R. S. amended.

"Sec. 10. In all prosecutions for forging or counterfeiting any notes or bills of the banks before mentioned, or for altering, publishing or tendering in payment as true, any forged or counterfeit bank bills or notes, or for being possessed thereof, with intent to alter and pass the same as true, the testimony of the president and cashier of such bank may be dispensed with, if their place of residence shall be out of this State, or more than forty miles from the place of trial; and the testimony of any person acquainted with the signature of the president or cashier of such banks, or who has knowledge of the difference in appearance of the true and counterfeit bills or notes thereof, may be admitted to prove that any such bills or notes are counterfeit; and the lawful existence of any bank out of this State shall be presumed upon evidence that such bank is actually engaged in the business of a bank."

When testimony of president & cashier may be dispensed with.

Approved April 7, 1851.

[No. 137.]

AN ACT to amend section four of an act entitled an act to incorporate the Port Huron and Lake Michigan Railroad Company, approved January 30th, 1847.

Section 1. *The People of the State of Michigan enact*, That section four of an act entitled an act to incorporate the Port Huron and Lake Michigan railroad company, approved January 30th, 1847, be amended by striking out the words "five" and "fifteen," in said section, and inserting "ten" and "twenty," so that section, as amended, shall read as follows, to-wit:

Sec. 4 of act No. 5 of 1847 amended.

"Sec. 4. If said corporation shall not, within ten years after the passage of this act, commencing the construction of the said road, and shall not, within twenty years from the passage of this act, construct, finish and put in operation the whole of said railroad, then the rights, privileges and powers of said corporation shall be null and void, as far as it regards such part of said railroad as shall not be finished within the period limited by this act."

Approved April 7, 1851.

[No. 138.]

AN ACT to amend Chapter twelve of Revised Statutes of eighteen hundred and forty-six.

Section 1. *The people of the State of Michigan enact*, That section twenty-seven, chapter twelve, title three of revised statutes of eighteen hundred and forty-six, be so amended as to read as follows: Sec. 27 of chap. 12 of R. S. of 1846 amended.

“The Auditor General may also employ so many regular clerks Salaries. as may be necessary, not exceeding two, at an annual salary of six hundred dollars, payable quarter yearly, and so many extra clerks as may from time to time be necessary, at a salary not exceeding four hundred and seventy-five dollars a year, payable monthly or otherwise, as the Auditor General may think proper.”

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 139.]

AN ACT to amend the charter of the Plymouth Plank Road Company.

Section 1. *The People of the State of Michigan enact*, That the said company may lay out, construct, extend and maintain their plank road from the western terminus of their route, in the township of Plymouth, as now surveyed and located, on the most eligible route in said township, through or near the villages of Waterford and Northville, and thence northerly or northwesterly to some eligible point on the Grand river road in the township of Novi, in the county of Oakland; and may also lay out, construct and maintain a branch of their road from some eligible point of their main route in the township of Plymouth, to some convenient point in or near the village of Plymouth Corners. Extension of road authorized.

Sec. 2. This act shall take effect whenever the directors of said company shall file their acceptance of the same in writing, signed by their president and secretary, in the office of the Secretary of State: Acceptance of act; where filed.
Provided, Such acceptance shall be so made and filed within six months from the passage of this act.

Approved April 7, 1851.

[No. 140.]

AN ACT to amend section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, and the acts amendatory thereto, relative to primary schools. —

Sec. 107 of
chap. 58 of
R. S. of 1846
amended.

Section 1. *The People of the State of Michigan enact, That* section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, be stricken out, and the following section be substituted in place thereof: —

Assessment
and collection
of township,
school
and library
tax.

"Sec. 107. The supervisors shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and twenty-five dollars of the same shall be applied for the purchase of the books for the township library, and the remainder thereof shall be apportioned to the several districts in the township, for the support of schools therein; and the same shall be collected and returned in the same manner as provided in section one hundred and six of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six; and all school taxes returned for non-payment, shall be collected in the same manner as State and county taxes." —

Approved April 7, 1851.

[No. 141.]

AN ACT to organize the county of Grand Traverse.

Co. of Grand
Traverse or-
ganized.

Boundaries.

Section 1. *The People of the State of Michigan enact, That* all that portion of territory in the county of Omeena, included within the boundaries hereinafter described, be and is hereby set off and organized into a separate county by the name of Grand Traverse, to wit: beginning at a point on the east side of the east arm of Grand Traverse Bay, where the township line between townships twenty-seven and twenty-eight north, strikes said bay; thence running east to the range line between ranges eight and nine; thence south to the township line between townships twenty-four and twenty-five north; thence west to the range line between ranges twelve and thirteen west; thence north to the township line between townships twenty-seven and twenty-eight north; thence east to the west arm of Grand Traverse Bay; thence following the shore of said bay to the place —

of beginning; and the seat of said county shall be established at Boardman's Mills, on the east fraction of section number three, in township twenty-seven north, of range eleven west, until otherwise provided.

Sec. 2. There shall be elected in the said county of Grand Traverse, on the first Monday in August, eighteen hundred and fifty-one, the several county officers provided by law for the other organized counties of this State, who shall hold their offices until the general election to be held in the year eighteen hundred and fifty-two, and until their successors are elected and qualified.

Election of county officers.

Sec. 3. The election to be held in pursuance of the preceding section, shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers.

How held.

Approved April 7, 1851.

[No. 142.]

AN ACT to amend sections forty-four, forty-six and forty-seven, chapter twelve of the revised statutes of 1846, relative to the Board of State Auditors.

Section 1. *The People of the State of Michigan enact*, That sections forty-four, forty-six and forty-seven of chapter twelve of the revised statutes of 1846, be and the same are hereby amended so as to read as follows:

Sec's 44, 46 and 47 of chap. 12, R. S. of 1846 amended.

"Sec. 44. The Secretary of State, State Treasurer and Commissioner of the State Land Office shall constitute a board of state auditors, and as such they shall have power and it shall be their duty annually, and at any other time in their discretion, to enter into a full settlement and final adjustment with every officer and agent of the State, of all debits, credits, claims and demands of whatsoever description, between such officer or agent and this State, and it shall also be their duty to examine, adjust and settle all other claims and demands against this State which may be presented by any other person or persons, the settlement of which is not otherwise already provided by law; but such board shall not allow and audit any claims against the State unless the same shall be established by competent testimony; and said board shall keep a record of its proceed-

Board of State Auditors; their powers and duties.

warrant in favor of such person upon the Treasurer until such payment be made; and the Attorney General shall proceed forthwith to collect the same, if, in the opinion of the board, the interests of the State require it."

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 143.]

AN ACT to provide for the completion of the canal and locks around the rapids of Grand River at Grand Rapids.

Section 1. *The People of the State of Michigan enact*, That the Governor of this State is hereby authorized and required to appoint a commissioner to superintend, direct and control the completion of the canal and locks now in process of construction around the rapids of Grand River, at Grand Rapids; said commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and shall execute a bond with sufficient securities, to be approved by the Governor, in the penal sum of five thousand dollars, and conditioned for the faithful performance of his duty.

Governor to appoint commissioner.

Oath and bond of commissioner required.

Sec. 2. It shall be the duty of said commissioner forthwith to proceed to let a contract for the completion of said canal and locks, with as little deviation as possible from the mode of building, size and dimensions, and depth of water hitherto established by law for said canal and locks, and within such a period of time as he shall judge necessary; and for the removal of the dam appurtenant thereto, as hereinafter provided; and for that purpose he shall advertise for proposals for said completion; said advertisement to be published for three successive weeks in a newspaper published in the county of Kent, prior to the time of letting: *Provided*, That in said letting the price agreed to be paid shall be such that the whole cost of said canal and locks and appurtenances, when completed, shall not exceed the twenty-five thousand acres of land originally appropriated for the same.

Duty of commissioner.

Sec. 3. The said commissioner shall, at the time appointed in the said advertisement, let the said contract to the lowest bidder: *Provided*, It be in the opinion of said commissioner for the best interest of

Contracts; how let.

the public so to do: *And provided*, such bidder shall execute to said commissioner and his successors in office, a good and sufficient bond in a penal sum to be fixed, and with securities to be approved by him, conditioned for the completion, according to said contract, of the said canal, locks and appurtenances, within the time limited in the said contract.

Sec. 4. The said commissioner is hereby authorized, if he deem it advisable, to employ an experienced engineer to aid the said commissioner in determining the mode of said completion and all the terms of the contract for said completion, to be let as hereinbefore provided, and to further aid the said commissioner in the superintendence of said completion as it progresses.

Sec. 5. The commissioner shall cause the dam hitherto constructed in connection with said canal to be taken down and reconstructed so as to run at a right angle with the Grand river from the pier by the guard gate of said canal, and to abut upon the west bank of said river at a point opposite the said pier, with such alterations in the length thereof and in the mode of building said dam, and the sluice and apron attached thereto as he may deem proper: *Provided*, That said commissioner shall not take down or reconstruct said dam until after all the things have been done hereinafter provided to be done and set forth in sections six, seven and eight of this act.

Sec. 6. The commissioner shall, immediately after the letting of the contract, and which said contract shall be made conditional upon the procurement by said commissioner of the perfect right of way for the canal itself, the right of flowage of lands above said dam as reconstructed, and the right of abuttal of said dam, cause the compensation of the several proprietors of lands lying on the west bank of Grand river, above said dam for injury done thereto by flowage, including compensation for all infringements upon the water rights and hydraulic power of the said several proprietors in proportion to their several interests in said lands, in consequence of the reconstruction of said dam as hereinbefore provided to be ascertained, either by a jury of twelve freeholders residing in the vicinity of said lands, or by not less than three commissioners appointed by a court of record according to the provisions of law which shall be in force at the time such ascertainment shall be had.

Sec. 7. The proprietors of the lands lying below said dam, on the west bank of Grand River, upon which hydraulic privileges are created in consequence of the reconstruction of said dam as hereinbefore provided, shall pay the amount of compensation to be made to the proprietors of the lands lying above said dam as ascertained in the manner prescribed by law; said proprietors of lands lying below the dam contributing to the total sum of ascertained compensation to be made as aforesaid, in proportion to the amount of hydraulic privilege created by said dam for each of them respectively.

Sec. 8. If within one year from the passage of this act, the compensation to be made to the proprietors of the lands above the dam, ascertained as hereinbefore provided, shall not have been paid over by the proprietors of the lands below the dam, to the said commissioner for the use of the proprietors first aforesaid, and their grants of the right of flowage fully perfected and delivered to said commissioner and approved by the prosecuting attorney of the county of Kent, or if at the expiration of the said year, the contract for the completion of said canal and locks and the removal of said dam shall remain unlet, then it shall be the duty of the commissioner to cause the dam now appurtenant to said canal to be taken down and the obstructions by said dam interposed to the navigation of Grand River to be removed; to make sale of the materials of said dam, and to render an account of the expenses of such removal to the Governor of the State, and the excess of such expenses over the receipts from sales of the materials of said dam, (if any,) shall be paid out of the unexpended balance of the original appropriation for the construction of said canal and locks.

Sec. 9. The said canal, locks and appurtenances shall be completed in the manner hereinbefore provided, before the first day of January, in the year 1853.

Sec. 10. Until said canal and locks shall be completed to the satisfaction of the board of supervisors of the county of Kent, and until the same shall have been accepted by the commissioner in discharge of the contract for said completion, let in pursuance of this act, the whole of the unexpended balance of the 25,000 acres of land originally appropriated for the construction of said canal and locks shall

be withheld from sale or any other disposition thereof, and remain in the State land office.

Evidence of completion. Sec. 11. The order of the commissioner appointed as heretofore provided to superintend the completion of said canal and locks in favor of the contractor or contractors, countersigned by the chairman of the board of supervisors of the county of Kent, for the payment of the sum contracted by said commissioner to be paid for said completion, shall be evidence to the commissioner of the State land office of the completion of said canal, locks and appurtenances; and he shall thereupon pay to such contractor or contractors the amount in land called for by said order: *Provided*, That it shall not exceed the unexpended balance of the original appropriation of 25,000 acres: *And provided further*, That before such payment be made the certificate of the Attorney General of this State that all the necessary grants of the right of abuttal of the said dam and of the maintenance thereof, and of the right of flowage occasioned thereby, and also the right of way for the said canal, have been procured and have been by him examined and approved, shall be delivered to said commissioner of the land office; and such grants, duly recorded in the office of the register of deeds in the county of Kent, shall be delivered to said commissioner for preservation.

Compensation of commissioner. Sec. 12. The compensation of the commissioner appointed by the Governor under this act, and of the engineer who may be appointed by such commissioner, shall be five dollars per day for each, during all the time actually and necessarily employed in the discharge of their respective duties under this act; the amount for such compensation to be audited by the board of supervisors of the county of Kent; and to be paid by the counties of Kent and Ionia in equal proportions.

Governor may revoke appointments. Sec. 13. The Governor of this State is hereby authorized and empowered to revoke any appointment he may make under this act, to the office of commissioner, and to fill any vacancy that may occur from any cause in said office.

Repeal. Sec. 14. All acts and parts of acts inconsistent with the provisions of this act, is hereby repealed.

Sec. 15. All books, papers, contracts, bonds, plans, specifications and drafts, and all other writings of any kind appertaining to the fer-

mer proceedings had for the construction of said canal and locks, shall be delivered to said commissioner, upon his demand, by any person who may have possession or charge thereof. Books, papers, &c., to be delivered to commissioner.

Sec. 16. No expenses authorized to be incurred by the provisions of this act, shall ever be chargeable upon the treasury of this State.

Sec. 17. This act shall take effect immediately.

Approved April 7, 1851.

[No. 144.]

AN ACT to authorize the formation of corporations for mining, smelting or manufacturing iron, copper or silver ores.

Section 1. *The People of the State of Michigan enact*, That any three or more persons, who may desire to form a company for the purpose of engaging in any kind of mining, smelting or manufacturing iron, copper or silver ores, may make, sign and acknowledge before some person authorized to take acknowledgments of deeds, and file in the office of the county clerk of the county in which the business of the company shall be transacted, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, or may file such certificate in the first instance, in the office of the Secretary of State, and a duplicate thereof in the office of said county clerk, in which shall be stated the corporate name of said company, and the objects for which the company shall be formed, the amount of the capital stock of said company, the term of its existence, not to exceed thirty years, the number of shares of which the said stock shall consist, the number of directors and their names, who shall manage the concerns of said company for the first year; the name of the county in which the business of the said company is to be carried on, and the location of the business office of said company, which shall be within this State. Corporations; how formed. Certificate of corporation; where filed.

Sec. 2. When the certificate and duplicate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate in fact and in name, by the name stated in such certificate, and by that name have succession, and shall be capable of suing and being sued in any court in this State, and may have a common seal, and make Incorporation.

May hold
real estate,
&c.

and alter the same at pleasure; and they shall by their corporate name be capable in law of purchasing, holding and conveying any real and personal estate whatever, which may be necessary to enable said company to carry on the business named in such certificate; but shall not mortgage the same or give any lien thereon. It may and shall be lawful for the individuals associated for the purpose of organizing any company under this act, after having filed a certificate of incorporation, as required in the preceding section, to open books for subscription to the capital stock of the company so organized, and to keep the same open until the full amount specified in such certificate is subscribed. (The copy of any certificate of corporation filed in pursuance of this act, certified by the county clerk or Secretary of State to be a true copy of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.)

Business of
corporation:
by whom
managed.

Sec. 3. The stock, property and business of such corporation shall be managed by not less than three nor more than nine directors, who shall each be stockholders in such corporation, and citizens of the United States, and a majority of them shall be citizens of this State, who shall, except for the first year, be annually elected by the stockholders at the business office of said corporation, at such time as the by-laws of said corporation shall provide; and public notice of the time and place of holding such election shall be published not less than thirty days previous thereto, in some newspaper printed in the city of Detroit; and the election shall be made by the stockholders that shall attend such meeting, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he holds shares of stock in such corporation; and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors, it shall be filled in such manner as the by-laws of such corporation may provide.

Elections.

1611.

Sec. 4. In case it shall happen that an election of directors shall not be made on the day designated by the by-laws of any such corporation for the election, the corporation for that reason shall not be dissolved; but it shall be lawful to hold an election on any other day in such manner as shall be provided for by the said by-laws, and all acts of directors shall be valid and binding against any such corporation until their successors shall be elected.

Sec. 5. There shall be a president of the corporation, who shall be designated from the number of directors, and also a secretary and such other subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of their duties as the corporation by its by-laws may require.

Officers of corporation.

Sec. 6. It shall be lawful for the directors to call in and demand from stockholders respectively, all such sums of money by them subscribed, at such time, and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for; and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal notice, or notice requiring such payment shall have been published for six successive weeks in a newspaper published in the city of Detroit.

Power of directors in reference to subscription of stock.

Sec. 7. The directors shall have power to make such prudential by-laws as they may deem proper for the subscription to, management and disposition of the stock, and such as are necessary for transacting the business of such company, as stated in the certificate of incorporation, not inconsistent with the laws of this State; also for prescribing the duties of all officers or persons in the employ of said company, and for the appointment of all such officers.

Ibid.
To prescribe duties of officers, &c.

Sec. 8. All stockholders of every company incorporated under this act, shall be individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company while they were stockholders, until the whole amount of capital stock fixed and limited by the certificates of incorporation of such company shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section; and at least five per cent of the capital stock so fixed, shall be paid in before filing the certificate of incorporation of such company, and at least five per cent within one year from the time of filing said certificate; and at least ten per cent annually within each year thereafter, so long as the requirements of such corporation shall render it necessary, or until the whole amount of capital so fixed shall be paid in, or such corporation shall be dissolved.

Individual liability.

Certificate
of amount
of stock;
where to be
recorded.

Sec. 9. The president and a majority of the directors of every such corporation, within thirty days after the payment of the last instalment of the capital stock as fixed and limited by the certificate of incorporation, shall make a certificate stating the amount of capital stock so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and they shall, within the said thirty days, cause the same to be recorded in the office of the county clerk, in a book to be provided for the record of all matter in relation to corporations required to be recorded, in the county in which the business of such corporation is carried on.

Stock to be
deemed per-
sonal estate
and how
transferable

Sec. 10. The stock of any such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid except between the parties thereto, until the same shall have been entered upon the books of the corporation, as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferrable until all previous calls or assessments thereon shall have been fully paid in or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase stock in any other corporation.

Corporation
to make an-
nual report.

Sec. 11. Every such corporation shall annually, within ten days from the first day of January, make a report which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such company in its business, the whole amount of money which at any time has at any time been borrowed, and then remaining unpaid, and the amount of its existing debts, exclusive of borrowed money, whether acknowledged on contract, designating each, and specifying the name and amount due each creditor; also stating the number of acres and legal subdivisions of all lands owned, and of all lands in possession of any such company, and the location of the business office of such company, if any change has been made; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president or secretary of such corporation, and filed in the office of the clerk of the county in [which] the business of any

Specifica-
tions.

Report;
where filed.

such company is carried on, and a duplicate thereof in the office of the Secretary of State; and if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made.

Sec. 12. All corporations formed under the provisions of this act, Annual tax. shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in, and any investment of the earnings of any such company in their business shall be considered as so much capital paid in; also upon all sums of money at any time borrowed by any such company and then remaining unpaid, in whole or in part; which tax shall be paid on the first Monday of February in each year, and shall be estimated upon the report of such company for that year made as required by section eleven of this act, and such tax shall be in lieu of all state taxes, upon the real and personal estate of such company.

Sec. 13. If the directors of any such company shall declare or pay Liability of stockholders in certain cases. any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they and all the stockholders who shall accept or receive such dividend, shall be jointly and severally liable for all the debts of said company then existing, and for all that shall be thereafter contracted while they respectively continue stockholders or in office. If any certificate or report made or public notice given by the officers of any such corporation, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, and the president and directors shall be jointly and severally liable for all the debts of the company then existing, or which shall be contracted while they are stockholders and officers thereof: *Provided*, That if any of the Proviso. directors shall object to the declaring of any dividend, or to the payment of the same, and shall at any time before the time fixed for the payment thereof, file a certificate of their objection with the secretary of the company, and in the office of the clerk of the county in which the business of said corporation is carried on, they shall be exempt from said liability; and any officer or director who shall, within ten days of the making of any certificate or report, or the giving

of any public notice, make a counter certificate or report, or give a counter public notice; shall be exempt from any such liability.

What persons holding stock not personally liable.

Sec. 14. No person holding stock in any such corporation, as executor, administrator, guardian or trustee, (unless they receive a dividend as provided in the preceding section, in which case they shall be liable,) and no person holding such stock as collateral security, shall be personally subject to any such liability as stockholders of such company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, except as hereinbefore provided, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if living and competent to act and held the stock in his own name. Every such executor, administrator, guardian or trustee shall represent the share of stock in his hands, at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid may nevertheless represent the same at all meetings, and may vote accordingly as a stockholder.

Shares of stock; how represented.

Co. may increase or diminish capital stock.

Sec. 15. Any company which may be formed under this act, may increase or diminish its capital stock by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the corporation. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital.

Directors to give notice to stockholders specifying object, &c.

Sec. 16. Whenever any company shall desire to call a meeting of stockholders, for increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the directors to publish a notice, signed by at least a majority of them, in a newspaper published in the city of Detroit, at least three successive weeks, and to deposit a written or printed copy thereof in the post office, addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for

holding such meeting, specifying the object of the meeting, the time and place (which shall be at the business office of such company) when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, and the business to which the company would be extended or changed; and a vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of its capital stock.

Sec. 17. If at any [the] time and place specified in the notice provided or in the preceding section of this act, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the directors chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present person or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes have been given in favor of increasing or diminishing the amount of capital, or of extending or changing its business as aforesaid, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman of such meeting and the president of such company, and be countersigned by the secretary of such meeting and the secretary of the company, and such certificate shall be acknowledged by the chairman and president, and filed as required by the first section of this act, and when so filed the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, and the company shall be entitled to the privileges and provisions and be subject to the liabilities of this act, as the case may be.

Stockholders may appear in person or by proxy.

Sec. 18. It shall be the duty of the directors of every such corporation, to cause a book to be kept at the business office of such company, by the treasurer or secretary thereof, and also by the agent of such company, residing in the city of Detroit, at his known place of residence or business office, or at the office of the clerk of the

Duty of directors in reference to names of stockholders, transfer of stock, &c.

LAWS OF MICHIGAN.

county of Wayne, containing the names of all persons, alphabetically arranged, who are or shall within six years have been, stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, the time when they respectively became the owners of such shares, the amount of stock actually paid in, the number of acres and legal sub-divisions of all lands owned and all lands in possession of such company, and the names and places of residence of the president, secretary and directors of such corporation, which books shall be kept open for the inspection of stockholders and creditors of such company, and their personal representatives; and any and every such stockholder, creditor or representative shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred, liable for the debts of such company, according to the provisions of this act, until it shall have been entered therein as required in this section, by an entry showing to and from whom transferred. Such book or books shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of any such company, who shall fail or neglect to make any proper entry in such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected, and extracts taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured, a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such books open for inspection as aforesaid, shall forfeit and pay to the people the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people by the prosecuting attorney of the county in which such penalty is incurred; and when so recovered, the amount shall be paid into the treasury of such county for the use of township libraries in such county, in the same manner as is or shall be provided for the application of fines and penalties for the breach of other penal laws.

Sec. 19. If the indebtedness of any such corporation shall at any time exceed the amount of its capital stock, the directors of such

company shall be individually and personally liable for all the debts of such company, then existing, or which shall be contracted while they severally remain in office. No corporation formed under the provisions of this act, shall at any one time own or hold more than twelve hundred and eighty acres of land, in legal sub-divisions; and no such corporation shall be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

Individual liability in certain cases.

Sec. 20. The copy of any certificate, (other than the certificate of incorporation,) or report filed or made in pursuance of this act, certified by the Secretary of State, or any county clerk, to be a true copy; and of the whole of such certificate or report, filed or recorded in his office, shall be received in all courts and places as presumptive legal evidence of the facts therein stated, as against such company, its officers and stockholders.

Evidence.

Sec. 21. Service of any legal process against any such corporation, may be made on the president or secretary, or if neither of them can be found in the county, then upon any one of the directors of such company; and in case neither of the above named officers can be found in the county, then such service may be made by leaving a copy of such process at the business office of such company, in some conspicuous place.

Service of legal process: how made.

Sec. 22. All companies formed under this act, and doing business in the upper peninsula of this State, shall at all times have an agent residing in the city of Detroit, upon whom service of legal process may at any time be made, which shall be as valid as if made on any of the officers of such company. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor the president, secretary or a director of any such company shall be found in the county of Wayne, then service of such process may be made by posting up a copy thereof in some conspicuous place in said clerk's office; and suit may be brought against any such company in the county of Wayne, as well as in any county in the upper peninsula.

Ibid.

Sec. 23. Nothing but money shall be considered as payment of any part of the capital stock; and no loan of money shall be made

Corporation
not to loan
money to
any stock-
holder.

by any such corporation to any stockholder therein; and if any such loan shall be made to a stockholder such stockholder and the officer of such company shall be jointly and severally liable for all the debts of the company contracted before the repayment of the sums loaned. Any officer of any such corporation who shall loan, or any stockholder who shall borrow any money as above provided, or any officer of any such company who shall create any indebtedness against such company, not authorized by the by-laws, shall be deemed guilty of a misdemeanor.

Subject to
amendment
or repeal.

Sec. 24. The legislature may at any time alter, amend or repeal this act, but such alteration or amendment shall not operate as a alteration or amendment of the corporate rights of companies formed under it unless expressly named in the act so altering or amending this act; and the legislature may annul or repeal any corporation formed or created under this act; but such alteration, amendment annulling or repeal shall not, nor shall the dissolution of any such company take away or impair any remedy given for or against any such corporation, its stockholders or officers for any liability which shall have been previously incurred.

When stock-
holders not
personally
liable.

Sec. 25. No stockholder shall be personally liable for any debt contracted by any company under this act, except for all labor performed for such corporation, unless a suit for the collection of such debt shall be brought against such company within one year after such debt shall become due; and no suit shall be brought against any stockholder in any such company until an execution against such company shall have been returned unsatisfied in whole or in part; and such stockholders shall be severally and individually liable for all costs on any judgment rendered against such corporation.

Rights of
stockhold-
ers in cer-
tain cases.

Sec. 26. Any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interest, and all costs and expenses. And any such stockholder who may have paid as aforesaid, shall have a right to bring an action against and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall

be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant.

Sec. 27. This act shall take effect immediately.

Approved April 8, 1851.

[No. 145.]

AN ACT to amend sections one, three, four, six, thirteen, seventeen and nineteen of an act entitled an act to incorporate the St. Mary's Canal Company, approved March 17, 1847.

Section 1. *The People of the State of Michigan enact*, That section one of an act entitled act to incorporate the St. Mary's canal company, approved March 17, 1847, be and the same is hereby amended by striking out from the ninth and tenth lines the words "for the period of fifty years," so that said section shall read as follows:

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That such persons as may hereafter become stockholders therein, shall be and they are hereby declared to be a body corporate and politic, under the name and style of the St. Mary's canal company, for the purpose of opening and constructing a canal navigation, with suitable locks and basins, around the Falls [of] St. Mary's at the outlet of Lake Superior, within the State of Michigan, and they, with their associates and successors, shall so continue to have succession from and after the passage of this act, and by that name are hereby capable in law as natural persons, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and in all courts of law and equity in this State and elsewhere; to make, have and use a common seal, and the same to alter or amend at pleasure. They shall also have power to purchase and hold as much real estate as may be necessary for the site of said canal, roads, buildings, docks, basins, and the proper application of the water power that may arise from the proper construction of said canal; and also to borrow money to any amount not exceeding the capital stock hereinafter mentioned, for the purposes of constructing the canal, locks and basin aforesaid; also,

Sec. 1 amended.

Incorporation.

May purchase real estate.

Borrow money.

the power to ordain and establish such by-laws, ordinances and regulations as shall be necessary for the well-being and government of the concerns of said corporation, not contrary to the laws of this State or of the United States: *Provided*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, or any other business whatever, except such as properly belong to opening, constructing and maintaining the canal, locks and basins aforesaid."

Sec. 3 amended.

Sec. 2. That said act be amended by striking out section three and inserting in lieu thereof the following:

Capital.

"Sec. 3. That the capital stock of said company shall consist of five hundred thousand dollars, with the privilege of increasing the same to seven hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and upon all subscriptions to the stock of said company, there shall be paid, or secured to the satisfaction of the commissioners receiving the same, payable in thirty, sixty and ninety days, one-third each from the day of organizing said company, by the election of directors and president, the sum of ten per centum upon the amount of each subscription to said stock."

Sec. 4 amended.

Sec. 3. That section four of said act be amended by striking out all after the word "days," in seventh line, and inserting "unless the capital stock be sooner subscribed;" so that said section shall read as follows:

Commissioners.

"Sec. 4. That three persons, to be named by the Governor of this State, shall be constituted commissioners, who, or a majority of them shall cause a public advertisement to be made of the time and place of opening books for the subscription of the stock of said company and books of subscription shall be kept open under the direction of the persons aforesaid, or a majority of them, not less than thirty days unless the capital stock be sooner subscribed."

Subscription to capital stock.

Sec. 6 amended.

Sec. 4. That section six of said act be amended by striking out from the second and third lines the words "one thousand eight hundred and forty-eight," and inserting the words "next succeeding their election;" so that said section shall read as follows:

Officers.

"Sec. 6. That the president and directors first chosen shall hold their offices until the first Monday of July next succeeding their election, or until others are chosen in their places. On the first Monday

of July in each year, the stockholders of said company shall meet at their office or some place to be designated by the president and directors in the city of Detroit, and then proceed to choose a president and four directors, who shall be stockholders in said company, and resident citizens of the United States, and who shall hold their offices for one year, and until others shall be elected in their places; public notice of such meetings and elections to be given by the clerk or secretary of the company in some public newspaper, at least sixty days previous to such meeting or election. At the annual meeting, a statement of the affairs of the company shall be made out, and presented to the meeting by the president and directors, and such dividends of the profits declared as they may deem advisable, subject to the limitations hereinafter mentioned." Annual statement of affairs.

Sec. 5. That the act to which this is amendatory be amended by inserting the following as a new section, to come in between sections six and seven:

"That for the purpose of aiding in the construction of said canal, the said company shall have power and are hereby authorized to issue their corporate bonds or obligations to an amount not exceeding their capital stock, and in sums not less than five hundred dollars, payable at such times and places, and bearing such rates of interest as the company may deem for their best interest; and in the sale or disposition of said bonds or obligations, if the said company shall sell or dispose of the same at a discount, said sale or disposition shall nevertheless be to all intents and purposes, good and valid." May issue bonds.

Sec. 6. That section thirteen of said act be amended by inserting after the word "years," in the second line, the words "from the first Monday of July, eighteen hundred and fifty-one;" and also by striking out after the word "the," in the third line, the words "the passage of this act," and insert the words "the first Monday of July, eighteen hundred and fifty-one;" so that said section shall read as follows: Sec. 3 amended.

"Sec. 13. That the said canal shall be commenced within two years, from the first Monday of July, eighteen hundred and fifty-one, and completed and in readiness for operation within five years from the first Monday of July, eighteen hundred and fifty-one, and unless so completed, said corporation shall be dissolved, and this act shall thereupon cease to exist, and shall be of no force or validity." Commencement of work.

Sec. 17 amended.

Sec. 7. That said act be amended by striking out the entire of section seventeen, and inserting the following in lieu thereof:

Lands donated.

"Sec. 17. That to facilitate the construction of said canal, the State hereby donates the avails to be realized by the sale of the "swamp and overflowed lands," lying within the boundaries of the upper peninsula, which are to be derived under the act of Congress, entitled an act "to enable the State of Arkansas and other States, to reclaim the swamp lands within their limits, approved September 28, 1850," and to that end the same shall be by the Governor transferred to the company, with such regulations as he may adopt; but not until said company shall execute and deliver to the Governor a good and ample bond, in such sum as he may require, conditioned that said company will faithfully and honestly apply said donation towards the construction of said canal, and that they will also fulfill all requirements which may be imposed upon them. And further, that should Congress make donations to this State, to aid in the construction of said canal, then, and in that case, the same shall be transferred to this company, with such regulations and instructions as he may adopt, after receiving from said company a like bond as in the case of the donation made directly by the State, and that they will also fulfill all the requirements which Congress may impose upon the State by the act or law making such donation, and that they will save the State from all liability or blame thereby; and said bond or bonds shall be deposited in the office of the Secretary of State; and if the said company fail to comply with the provisions thereof, the same may be sued, and the conditions and penalties thereof against the company enforced in the name of the Governor, for the use of the people of the State of Michigan, and should final judgment be rendered against said company, the Governor is empowered either to enforce the collection thereof by execution, or by taking possession of said canal and fixtures, and retaining the same for the use of the State until such judgment shall be fully paid and settled, and the conditions of said bond or bonds complied with; and for the taking possession of said canal and fixtures, should the same become necessary, the Governor is authorized to appoint a suitable agent or agent."

Sec. 19 amended.

Sec. 8. That section nineteen of said act be amended by striking out after the word "tax," in the third line, to and including the word

"works," in the fourth line, and inserting the words "of two per cent upon the dividends or net earnings of said company;" so that said section shall read as follows:

"Sec. 19. Said company shall pay or cause to be paid to the State Treasurer, on or before the first day of December, in each year, a tax of two per cent upon the dividends or net earnings of said company, which shall be in lieu of all other taxes." Annual tax.

Sec. 9. That so much of an act entitled an act to amend an act entitled an act to incorporate the St. Mary's canal company, approved March 14th, 1848, together with all other acts and parts of acts which are inconsistent with the provisions of this act, be and the same are hereby repealed. Repealing clause.

Sec. 10. The Legislature may at any time alter, amend or repeal this act or the act to which this is amendatory, by a vote of two-thirds of all the members elected to each house. Amendment or repeal.

Approved April 8, 1851.

[No. 146.]

AN ACT supplementary to an act to incorporate the Minesota Mining Company, approved March 7, 1849.

Whereas, the mining company are the proprietors of a tract of land on the Ontonagon river, and are extensively engaged in mining copper, twenty miles from its mouth, and on account of the many rapids and obstructions to the navigation of the river, and its importance to the mining country for the transportation of their supplies and mineral, makes an extensive improvement necessary, and that the expense may be divided among those using it, it is desirable they should have a grant for that purpose; therefore, Preamble.

Section 1. *The People of the State of Michigan enact*, That the Minesato mining company, incorporated March 7, 1849, be and are hereby authorized to dig, cut and excavate the channel of the Ontonagon river, for its improvement, and it shall be lawful for said company, or upon its authority, to precede upon and make use of for the sole purpose herein contemplated, any lands upon the bank of said river, to take, carry away, and use, any timber, stone, earth Authorized to improve the Ontonagon river.

or other materials; to erect, set up, any dams, locks, piers, tow-paths or other work necessary to confine the waters of said river in one channel, from the mouth thereof to the junction of the east branch with the main body of said river, paying for such lands used the assessed value the commissioners of the county may put upon it; and that for such purpose they may and are hereby authorized to appropriate fifty thousand dollars of their capital stock, which may at any time be paid in for such purpose.

Tolls.

Sec. 2. The said company, on the completion of said work, shall be authorized to charge and collect tolls on all boats, vessels, steamers or other water craft carrying freight or engaged in towing, of over five tons burthen, at the rate of twenty cents per ton for each trip of said boats, vessels, steamers or other water craft, and at the rate of ten cents per ton for all freight transported on said river; and in case of the neglect or refusal of any person or persons to pay said tolls, the owner of said boat, vessel, steamer or other water craft shall be liable to a fine treble the amount of said tolls, to be collectable as a debt, before any magistrate of the county.

May construct plank or turnpike road.

Sec. 3. That the said Minesota mining company, whenever they shall deem it expedient, may locate, lay down and construct a plank or turnpike road from their mines to the main branch of the Ontonagon river below the rapids; or if the river can be made available, then the same may be extended to a favorable point above the rapids, entering upon and occupying such lands for that purpose, paying therefor its valuation by the county commissioners: *Provided*, That said company shall have the right to charge other companies or individuals for transportation on said road, not to exceed treble the amount charged by the Detroit and Birmingham plank road company.

Sec. 4. The Legislature may at any time alter, amend or repeal this act.

Acceptance

Sec. 5. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president or a majority of the directors of said company, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 8, 1851.

[No. 147.]

AN ACT to amend the charter of the village of Niles.

Section 1. *The People of the State of Michigan enact*, That so much of the township of Niles in the county of Berrien, as ^{Boundaries.} has heretofore been laid out and recorded as "Walling and Lacey's plat of Niles," "William Justin's plat of Niles," "William Justin's addition to Niles," "Elijah Lacey's addition to Niles," "H. B. and G. W. Hoffman's addition to Niles," "H. B. Hoffman's addition to Niles," "Green and Hoffman's addition to Niles," Green & H. B. & G. W. Hoffman's addition of out-lots to Niles," "G. N. & C. Bond's addition to Niles," "Jacob Beeson's first and second addition to Niles," "O. P. Lacey's first addition to Niles," "O. P. Lacey's second addition to Niles," excepting lots numbered 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 270, 271, 272, 273, 274, 275, 276, 277, and that part of Phoenix street lying between blocks made up of the aforesaid lots, shall be and the same is hereby constituted a town corporate by the name of the "Village of Niles."

Sec. 2. The officers of said village shall consist of a president, recorder, seven trustees and a treasurer, who shall be elected by bal- ^{Officers.} lot and by a plurality of votes of the legal electors of said village, and shall hold their offices for one year or until their successors are chosen.

Sec. 3. The first election shall be holden on the third Monday of April, at the Western Hotel in said village, and it shall be the duty of the present recorder of said village to give at least six days notice of the time and place of holding said election, by publication in one or more of the papers printed in said village; all subsequent elections shall be holden on the second Monday in March in each and every year, at such place as the common council shall direct; and it shall be the duty of the recorder to give notice as aforesaid of the time and place of holding such election.

Sec. 4. The qualifications of electors, the manner of opening and closing the polls and canvassing the votes, shall be the same as pro- ^{Ibid.} vided by law for the general election of State officers. The present recorder and three of the present trustees of said village, shall be the first board of election; and at all subsequent elections the recorder and such number of the trustees as shall be designated by

Board. the council, not less than three; and either of them may administer the oath to the electors; and any person who shall knowingly and
 Oath. falsely take such oath, shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the same penalties as are provided for the punishment of that crime by the laws of this State.

Incorporation. Sec. 5. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, by the name of the "Common Council of the village of Niles," and by that name they and their successors shall be known in law, and shall be capable of suing and being sued in any of the courts of this State; may have a common seal and may alter or change the same at pleasure, and may take, purchase, hold, sell, lease and convey any real and personal estate for the use and benefit of said corporation.

Oath of officers. Sec. 6. The officers aforesaid shall, before entering upon the duties of their respective offices, severally take and subscribe before some officer authorized to administer oaths, an oath or affirmation to support the constitution of the United States and of this State, and faithfully perform the duties of the offices to which they are elected; which oath or affirmation shall be filed with the recorder; and the treasurer shall, before entering upon the duties of his office, execute and deliver to the common council a bond with satisfactory security, in such penal sum as the council may direct, conditioned for the faithful performance of his duties.

Common council. Sec. 7. The president, recorder and trustees, or a majority of them all, when assembled and organized, shall constitute the common council of the village of Niles. It shall be the duty of the president to preside at their meetings, to call them together as often as he may deem necessary, or when requested to do so by two or more trustees; and when so assembled it shall be the duty of the recorder to keep a fair and accurate record of the proceedings in a book to be prepared for that purpose, which book, together with all books and papers pertaining to his office, shall be by him handed over to his successor.
 Record.

Sec. 8. The common council shall have power to appoint a marshal, collector, street commissioner, assessors and all other officers and agents, deemed by them to be necessary for carrying on the affairs of said village; to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dis-

miss them at pleasure. The officers and agents so appointed shall, Officers appointed by common council. before entering upon the duties of their offices, take and subscribe the oath of office provided in section six, before the recorder, who is hereby authorized to administer the same.

Sec. 9. The common council shall have power to make by-laws By-laws and ordinances. and ordinances, regulating the duties, powers and fees of all officers by them appointed; relative to the time and manner of working the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all taxes in said village; relative to grading the streets and side-walks, and planking, paving and railing the same; relative to setting awning and other posts and shade trees in the streets; to the building and repairing all bridges, and to prevent all obstructions of streets, side walks and bridges, and for the prevention and abatement of all nuisances.

Sec. 10. The common council shall have power to make all such ^{Ibid.} by-laws and ordinances as they shall deem proper to secure the inhabitants of said village from injuries from fire, and from persons violating the public peace; for the suppression of riots, gambling and other disorderly conduct, and for the punishment of the same; for the apprehension and punishment of all drunkards, vagrants and idle persons; and they shall have power generally to make all such by-laws and ordinances, which shall not conflict with the constitution and laws of this State, as to them shall appear necessary for the safety and good government of said village and the inhabitants thereof; and to impose and collect for the use of said village, such fines, Penalties. penalties and forfeitures from all persons violating the same, as they shall deem proper: *Provided*, That the penalties imposed by the said by-laws and ordinances for acts which are also in violation of the statutes of this State, shall not exceed the statutory punishment of such acts.

Sec. 11. The common council shall have exclusive power and Licenses. authority to license all shows, theatres, circuses, and public exhibitions, and to fix the rates to be paid for the same: *Provided*, That no exhibition of a circus shall be at a less price than twenty-five dollars for a day, or less time. They shall have power to regulate the measuring and selling fire wood, weighing hay, and to prescribe and designate the stands for carts, and for wood, hay and produce exposed for sale in the streets of said village; to prevent and punish persons

for immoderate riding or driving in the streets; to regulate and prohibit bathing publicly in the waters of said village; to provide for cleansing the water of the St. Joseph river, within the bounds of said village, from obstructions, and to regulate all grave yards for the burial of the dead.

Powers of
council
council.

Sec. 12. The common council shall have power to establish the width and grade of side walks, and to construct all such side and cross walks, drains, gutters and sluices as are necessary in the streets, lanes and alleys of said village, and to assess the cost of the same upon the property benefitted, and to collect such assessment of the owner or the occupant of such property, or to sell the property for such assessment and the costs thereon, in the same manner as is hereafter provided for the sale of property for other taxes.

Assessment

Sec. 13. The assessor of said village shall once in each year make an assessment roll of all the real and personal estate in said village, and the names of the owners, if known, of each parcel of such real estate, and the names of all persons liable to pay a poll tax, and shall set down in such roll the valuation of all such property at its fair cash value, and shall give notice of its completion by publication in one or more of the papers printed in said village, by at least two insertions, stating the time and place where they will meet to hear the objections of any person interested in such valuation; and it shall be the duty of the assessor to hear and determine the objection of all such persons and to reduce such valuation on sufficient cause shown; and the common council may at any time before the tax is collected, review such assessment roll and correct any description of real estate which they may find erroneously or imperfectly described, and may add the name of any person liable to pay a poll tax which they may find to have been omitted.

Tax.

Sec. 14. On completion of the assessment roll as aforesaid, the common council shall assess and apportion upon the real and personal estate therein described, such tax as they may deem necessary for the use of said village for the current year, not to exceed one thousand dollars in any one year, and a further poll tax, not to exceed one dollar upon each and every male inhabitant of said village over twenty-one years of age; and the recorder shall make a duplicate of the roll for the use of the collector. But the common council shall

have no power to contract debts and make expenditures in any one year, which shall exceed the amount of taxes and other revenue for the same year. Not power to contract debts.

Sec. 15. Every assessment of any tax lawfully imposed shall forever be and remain a lien upon the real estate upon which it is levied, from the time of making the assessment or imposing the tax; and the owner or occupant or parties in interest respectively in such real estate, shall be liable on demand to pay every such assessment or tax levied or imposed upon real or personal estate as aforesaid, and in default of such payment on demand, it shall be lawful for the collector to seize upon, remove and sell the personal property of such owner or occupant, or any other personal property found on the premises, to pay the same, together with costs and expenses of such sale; and no claim of property to be made thereto by any other person, shall be available to prevent a sale; all sales so made shall be in the same manner and with like notice as is required of township collectors by the laws of this State; but any property exempt from sale for State and county taxes by the laws of this State, shall be exempt for any corporation tax. Taxes remain a lien. Collection of taxes.

Sec. 16. In case no property can be found on any of the real estate taxed, and the taxes remain unpaid at the expiration of the warrant of the collector, it shall be his duty to make return thereof to the common council, who shall thereupon direct the treasurer to sell the real estate upon which the taxes remain unpaid, at public auction, first giving thirty days' notice of the same by publication in one of the papers printed in said village; which notice shall contain a concise description of the real estate, the amount of the tax and expenses thereon, and the time and place where it will be offered for sale; at the time and place appointed the treasurer shall proceed to offer the different parcels of real estate for sale at public auction, and shall sell the same to the person who will take the least part or portion thereof and pay the taxes, interest and costs due thereon, and the treasurer shall thereupon make and issue his certificate to such purchaser, setting forth the sale, and that the purchaser will within one year from the date thereof, be entitled to a deed for the premises, unless redeemed as hereinafter provided. At the expiration of one year from the date of such certificate, unless redeemed, the Sale of premises for tax.

treasurer, or his successor in office, shall execute and deliver to the purchaser, his, her or their heirs or assigns, a deed of the premises, which deed shall be prima facie evidence of title in any of the courts of this State.

Redemption Sec. 17. Any owner of real estate so sold, may, within one year from the date of such sale, redeem the same by paying to the treasurer of said village the amount for which it was sold, together with interest at the rate of ten per cent per annum.

Duty of treasurer. Sec. 18. It shall be the duty of the treasurer to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor.

Duty of recorder. Sec. 19. The recorder of said village shall be a police justice of the peace, and shall have cognizance of all matters arising under and by virtue of this act of incorporation, and the by-laws and ordinances of the common council made in virtue thereof, and of all cases arising under chapter forty-one of the revised statutes of 1846, or of any amendment hereafter made by the legislature to said chapter, within the bounds of said village, and may issue all summonses, warrants, executions and other processes, to enforce the same, and proper judgments thereon to render, and in like manner and with like effect as may be done by any other justice of the peace by the laws of this State. And all processes by him issued shall be tested and returnable in the same manner and with like effect, and the proceedings thereon shall conform to and be conducted in the same manner as is provided for and applicable to justices of the peace by the laws of this State; and the recorder shall be entitled to the same fees as other justices of the peace for similar services.

Fees of recorder.

Marshal; his duties. Sec. 20. The marshal shall be a police constable and shall serve any and all papers that may be issued by the recorder or any other officer by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as constables are entitled to for similar services; and shall be entitled to the same privileges and subject to the same liabilities as are provided for constables in the discharge of their duties by the laws of this State.

Sec. 21. The docket of the recorder kept by him as a police justice, shall be and remain a public record in his office, and shall be by him delivered over, together with all other books and papers belonging to the office of recorder, to his successor in office; and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor as such police justice. Recorder; his duties.

Sec. 22. The common council shall have power to organize and establish one or more fire companies, a hose company and a hook and ladder company, to consist of not more than fifty men each, and to prescribe their duties. The members of said companies shall be appointed by the common council on the recommendation of the firemen or captain of each company. It shall be the duty of the recorder to issue a certificate of membership to each person so appointed. The members may in all cases elect their own officers and make their own by-laws, which shall not conflict with the by-laws and ordinances of the common council; a certificate of membership and the certificate of the foreman or captain of the company, that the member has complied with all the regulations of the company, shall be necessary, in order to entitle any person to the privileges granted by law to firemen. Fire companies. Officers.

Sec. 23. In case of the refusal or neglect to serve of any officer mentioned in section two, or of a vacancy, by death, removal or otherwise, the common council shall have power to fill the vacancy for the unexpired time for which such officer was elected. Vacancies.

Sec. 24. Before any by-laws or ordinances of said village shall take effect, they shall be published once in a public newspaper printed in said village; and a printed copy, so published under the authority of the common council, shall be admitted as prima facie evidence of the passage and publication thereof in all courts of this State. Publication of by-laws.

Sec. 25. It shall be the duty of the marshal to collect all moneys which may be due for license of shows and public exhibitions, all fines, penalties and forfeitures imposed or assessed by virtue of this act of incorporation and of the by-laws and ordinances of the common council, and to pay the same to the treasurer for the use of said village, and the treasurer shall pay over the same as hereinbefore provided. License moneys.

Library
room.

State library room shall be appropriated to the use of the Superintendent of Public Instruction, for his office.

Shall keep
meteorological
tables.

Sec. 2. The State Librarian, in addition to the duties prescribed by law, shall keep a set of meteorological tables, after the forms adopted by the Smithsonian Institute, and under the direction of the Superintendent of Public Instruction; and the same shall be embraced with annual report of the Superintendent, together with the report of the Librarian.

Shall deposit
books,
&c., in state
library.

Sec. 3. The Superintendent of Public Instruction shall cause the books, papers, maps, apparatus, &c., pertaining to his office, to be deposited in the State library; and it shall be his duty to collect such books, maps, apparatus, &c., as can be obtained without expense to the State, and deposit the same in the library.

Assistant.

Sec. 4. The librarian shall also act as assistant to and shall perform such duties as may from time to time be required by the Superintendent, free of expense to the State.

Approved April 8, 1851.

[No. 154.]

AN ACT to provide for publishing the reports of the State officers for the year 1852, and every second year thereafter.

Secretary to
cause re-
ports to be
printed.

Section 1. *The People of the State of Michigan enact, That all* State officers or boards of officers from whom annual reports are required by law to be made to the Legislature, shall, in the year 1852, and every second year thereafter, report to the Governor of this State, at the time now required by law, who shall immediately deposit the same in the office of the Secretary of State; and the Secretary shall cause a sufficient number of copies of each of said reports to be printed by the person who is under contract to do the State printing for the time being, in the usual form, to furnish each township in the State one copy for the use of the library thereof; also one copy of each for each county clerk and county treasurer, and ten copies of such reports to each city, for the use of the city library, and also one hundred and fifty copies of each, which shall be placed in the State library, and five hundred copies of each which shall be preserved for binding in the joint documents of the next succeeding Legislature;

No. of co-
pies.

reasonable and safe to cross said river between sun-rise and sun-down: *Provided however*, That nothing in this act shall prevent other persons from ferrying across said river, passengers, teams, &c., if said Alexander H. Bartley, or his assigns, shall neglect or refuse to keep in readiness a suitable number of boats, and properly supplied with implements and manned as before specified.

Sec. 4. The said Alexander H. Bartley, or his assigns, shall and may be allowed to charge and collect the following tolls: From November first to April first, for each foot passenger, eighteen and three-fourth cents; for man and horse, fifty cents; for carriage with single horse, passengers and goods, eighty-five cents; for loaded wagon or cart, with two horses, passengers and driver, one dollar and fifty cents; for an empty wagon or a wagon or coach carrying passengers only, with two horses, passengers and driver, one dollar and thirty cents; for an additional horse, mule or ox, twenty-five cents; for a mule or horse not rode nor in harness, twenty-five cents; for every head of neat cattle, when there are more than four, twenty-five cents; for every head of neat cattle when there are less than four, twenty cents; for calves under two years old, or sheep or swine, ten cents. From April first till November first, for each foot passenger, eleven and a half cents; for man and horse, thirty-seven and one-half cents; for carriage with single horse, passengers and goods, six-five cents; for loaded wagon or cart, with two horses, passengers and driver, one dollar; for an empty wagon, or a wagon or a coach carrying passengers only, with two horses, passengers and driver, eighty cents; for an additional horse, mule or ox, eighteen and three-fourths cents; for each head of cattle, when there are more than four, eighteen and three-fourth cents; for each head of cattle, when there are four or less, thirty cents; for calves under two years old, sheep or swine, six and one-fourth cents.

Sec. 5. If it shall at any time appear to the circuit court of the county of St. Clair, upon sufficient evidence, that the said Alexander H. Bartley or his assigns, have neglected or refused to comply with the provisions of this act, in keeping the ferry aforesaid, according to the intent and meaning thereof, it shall and may be lawful for the said court to adjudge that all the privileges granted to them by this act, shall cease and become void: *And provided*, That the said rates

Tolls.

Cir. Court
may annul.

of toll shall be subject to be re-established by the board of supervisors of said county, at any regular meeting thereof, upon the application of any three freeholders of said county; but no such reduction shall take place unless it shall be made to appear to said board that twelve days notice of such intended application has been given to the proprietors of said ferry, or by publishing the same three successive weeks in some newspaper published in said county.

Repeal. Sec. 6. The Legislature may alter, amend or repeal this act by [a] vote of two-thirds of the Legislature, whenever it shall be deemed necessary to promote the public good.

Approved April 8, 1851.

[No. 149.]

AN ACT to amend section one of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, conferring jurisdiction upon justices of the peace.

Section 1. *The People of the State of Michigan enact, That section one of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so that the same shall read as follows:*

Sec. 1, chap. 93 amended "Sec. 1. Every justice of the peace elected in any township or city of this State, and duly qualified according to law, shall have original and exclusive jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars, and concurrent jurisdiction in all civil actions founded upon contract, express or implied, wherein the debt or damages do not exceed three hundred dollars, except as is provided in the next section, and to hear, try and determine the same according to law."

Approved April 8, 1851.

[No. 150.]

AN ACT to amend the second section of an act entitled an act to incorporate the Douglass Houghton Mining Company, approved March 27th, 1848.

Section 1. *The People of the State of Michigan enact, That section*

a two of an act to incorporate the Douglass Houghton mining company, approved March 27th, 1848, be and the same is hereby amended ^{Sec. 2 amended.} by striking out from line three the words "one hundred," and inserting the word "thirty;" and by striking out all after the word "Michigan," in the fourth line, and substituting the words "as shall be necessary for the exercise of its corporate franchises;" so that said section shall read:

"Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Sec. 2. This act shall take effect whenever the said company shall give their acceptance of the same in writing, signed by the president and a majority of the directors of said company, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 8, 1851.

[No. 151.]

AN ACT to provide for the Government of the State University, and to repeal chapter fifty-seven of the Revised Statutes of eighteen hundred and forty-six.

Section 1. *The People of the State of Michigan enact*, That the Designation institution established in this State, and known as the University of Michigan, is continued under the name and style heretofore used.

Sec. 2. The university shall provide the inhabitants of this State Objects. with the means of acquiring a thorough knowledge of the various branches of literature, science and arts.

Sec. 3. The government of the university is vested in the board Government regents.

Sec. 4. The board of regents shall constitute the body corporate, with the right as such of suing and being sued, of making and using Corporation common seal, and altering the same.

Sec. 5. The regents shall have power to enact ordinances, by-laws

Powers. and regulations for the government of the university; to elect a president, to fix, increase and reduce the regular number of professors and tutors, and to appoint the same, and to determine the amount of their salaries.

Ibid. Sec. 6. They shall have power to remove the president, and any professor or tutor, when the interest of the university shall require it.

Ibid. Sec. 7. They shall have power to appoint a secretary, librarian, treasurer, steward, and such other officers as the interests of the institution may require, who shall hold their offices at the pleasure of the board, and receive such compensation as the board may prescribe.

Departments Sec. 8. The university shall consist of at least three departments—
 1. A department of literature, science and the arts.
 2. A department of law.
 3. A department of medicine.
 4. Such other departments may be added as the regents shall deem necessary and the state of the university fund shall allow.

Duties of regents. Sec. 9. The regents shall provide for the arrangement and selection of a course or courses of study in the university, for such students as may not desire to pursue the usual collegiate course, in the department of literature, science and the arts, embracing the ancient languages, and to provide for the admission of such students without previous examination as to their attainments in said languages, and for granting such certificates at the expiration of such course or term of such students, as may be appropriate to their respective attainments.

Ibid. Sec. 10. The regents shall make provision for keeping a set of meteorological tables at the university, after the forms adopted and furnished by the Smithsonian Institution, the record of which shall be transmitted with their report to the Superintendent of Public Instruction, who shall embody the same into his report.

President. Sec. 11. The immediate government of the several departments shall be entrusted to the president and the respective faculties; but the regents shall have power to regulate the course of instruction and prescribe, under the advice of the professorships, the books and authorities to be used in the several departments; and also to confer such degrees and grant such diplomas as are usually conferred and granted by other similar institutions.

Sec. 12. The fee of admission to the regular university course in the department of literature, science and the arts, shall not exceed ten dollars, but such course or courses of instruction as may be arranged under the provisions of section nine of this act, shall be open without fee to the citizens of this State. Admission fees.

Sec. 13. The university shall be open to all persons resident of this State, without charge of tuition, under the regulations prescribed by the regents; and to all other persons under such regulations and restrictions as the board may prescribe. To whom open.

Sec. 14. The moneys received from such source shall be paid to the treasurer, and so much thereof as shall be necessary for the purpose, shall be expended by the regents in keeping the university buildings in good condition and repair, and the balance shall be appropriated for the increase of the library. Moneys to whom paid and how applied.

Sec. 15. The board of regents shall make an exhibit of the affairs of the university in each year, to the Superintendent of Public Instruction, setting forth the condition of the university and its branches; the amount of receipts and expenditures; the number of professors, tutors and other officers, and the compensation of each; the number of students in the several departments and in the different classes; the books of instruction used; an estimate of the expenses for the ensuing year; a full transcript of the journal of their proceedings for the year; together with such other information and suggestions as they may deem important, or the Superintendent of Public Instruction may require to embody in his report. Report.

Sec. 16. From the increase arising from the interest of the university fund, the board of regents may erect from time to time, such buildings as are necessary for the uses of the university, on the grounds set apart for the same; but no such buildings shall be erected until provision shall be made for the payment of the existing indebtedness of the university, nor until one branch of the university shall be established in each judicial circuit of the State. University fund; how expended.

Sec. 17. The board of regents shall have power to expend so much of the interest arising from the university fund, as may be necessary for the improving and ornamenting the university grounds, for the purchase of philosophical, chemical, meteorological, and other apparatus, and to keep the same in good condition. Interest fund; how expended.

- Branches.** Sec. 18. As soon as the income of the university interest fund will admit, it shall be the duty of the board of regents to organize and establish branches of the university, one at least in each judicial circuit or district of the State, and to establish all needful rules and regulations for the government of the same. They shall not give to any such branch the right of conferring degrees, nor appropriate a sum exceeding fifteen hundred dollars, in any one year, for the support of any such branch.
- Ibid.** Sec. 19. The regents may establish and organize a branch or branches, by the creation of a trusteeship for the local management of the same, or they may in their discretion select for a branch, under the restrictions aforesaid, any chartered literary institution in the State.
- Meetings.** Sec. 20. The meetings of the board may be called in such manner as the regents shall prescribe; five of them shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.
- Board of visitors.** Sec. 21. A board of visitors, to consist of three persons, shall be appointed biennially at the commencement of the collegiate year, by the Superintendent of Public Instruction. It shall be their duty to make a personal examination into the state and condition of the university in all its departments and branches, once at least in each year, and report the result to the Superintendent, suggesting such improvements as they may deem important; which report shall be embodied into the report of the Superintendent.
- Report.** Sec. 22. The regents and visitors of the university shall each receive pay for the actual and necessary expenses incurred by them in the performance of their duties, which shall be paid out of the university interest fund.
- Pay of regents and visitors.**
- Orders.** Sec. 23. All orders on the treasurer shall be signed by the secretary, and countersigned by the president.
- Repeal.** Sec. 24. Chapter fifty-seven of the revised statutes is hereby repealed.

Approved April 8, 1851.

[No. 152.]

AN ACT to amend sections one, two and three of chapter ninety-five of the revised statutes of eighteen hundred and forty-six.

Section 1. *The People of the State of Michigan enact*, That sections one, two and three of chapter ninety-five, title twenty-one of an act entitled "an act for revising and consolidating the general statutes of the State of Michigan," approved May eighteenth, eighteen hundred and forty-six, be and the same are hereby amended by striking out section one of said chapter, and substituting therefor a new section, to stand as section one; also by striking out the word "appointed," in the first line of section two, as printed, and inserting "elected;" also by striking out the words "within fifteen days after notice of his appointment, and," in the first and second lines of section three, as printed; so that said sections when amended shall read as follows, viz:

Secs. 1, 2 & 3 of chap. 95 of R. S. amended.

"Sec. 1. There shall be elected at the general election to be held in the year eighteen hundred and fifty-two, and every two years thereafter, one circuit court commissioner in each of the organized counties of this State, who shall enter upon the discharge of their official duties on the first day of January succeeding their election, and hold their offices two years, and be vested with judicial powers not exceeding those of a judge of the circuit court at chambers."

Cir. court commissioner to be elected.

"Sec. 2. No person shall be elected a circuit court commissioner unless he be at the time an attorney and counsellor at law of the supreme court."

Eligibility.

"Sec. 3. Every circuit court commissioner, before he shall enter upon the duties of his office, shall take and subscribe the oath of office prescribed by the constitution of this State, before some judge or clerk of a court of record, and transmit the same to the Secretary of State, to be filed in his office."

Oath.

Approved April 8, 1851.

[No. 153.]

AN ACT relating to the State Library.

Section 1. *The People of the State of Michigan enact*, That the

Library room. State library room shall be appropriated to the use of the Superintendent of Public Instruction, for his office.

Shall keep meteorological tables. Sec. 2. The State Librarian, in addition to the duties prescribed by law, shall keep a set of meteorological tables, after the forms adopted by the Smithsonian Institute, and under the direction of the Superintendent of Public Instruction; and the same shall be embraced with annual report of the Superintendent, together with the report of the Librarian.

Shall deposit books, &c., in state library. Sec. 3. The Superintendent of Public Instruction shall cause the books, papers, maps, apparatus, &c., pertaining to his office, to be deposited in the State library; and it shall be his duty to collect such books, maps, apparatus, &c., as can be obtained without expense to the State, and deposit the same in the library.

Assistant. Sec. 4. The librarian shall also act as assistant to and shall perform such duties as may from time to time be required by the Superintendent, free of expense to the State.

Approved April 8, 1851.

[No. 154.]

AN ACT to provide for publishing the reports of the State officers for the year 1852, and every second year thereafter.

Secretary to cause reports to be printed. Section 1. *The People of the State of Michigan enact, That all* State officers or boards of officers from whom annual reports are required by law to be made to the Legislature, shall, in the year 1852, and every second year thereafter, report to the Governor of this State, at the time now required by law, who shall immediately deposit the same in the office of the Secretary of State; and the Secretary shall cause a sufficient number of copies of each of said reports to be printed by the person who is under contract to do the State printing for the time being, in the usual form, to furnish each township in the State one copy for the use of the library thereof; also one copy of each for each county clerk and county treasurer, and ten copies of such reports to each city, for the use of the city library, and also one hundred and fifty copies of each, which shall be placed in the State library, and five hundred copies of each which shall be preserved for binding in the joint documents of the next succeeding Legislature;

No. of copies.

and one hundred copies for the use of the officers making such reports.

Sec. 2. It shall be the duty of the Secretary of State, as soon as said reports shall be printed and ready for distribution, to forward one copy of each to the township clerk of each organized township, which shall be deposited in the township library, one copy to each county clerk and county treasurer; also ten copies of each to each city clerk for the use of the city library, five hundred copies shall be placed in the State library, and the remaining five hundred copies shall be retained by him, and be bound in the joint documents of the next Legislature.

Approved April 8, 1851.

[No. 155.] ✓

AN ACT to provide for the formation of companies to construct plank roads.

Section 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may be formed into a corporation for the purpose of constructing and owning a plank road, by complying with the following requirements: Notice shall be given in at least one newspaper, printed in each county through which said road is intended to be constructed, of the time and place or places where books for subscribing to the stock of such road will be opened; if there be no newspaper printed in the county, then such notice shall be printed in a newspaper in the city of Detroit: and when stock to the amount of at least two hundred dollars per mile of the road so intended to be built shall be in good faith subscribed, and five per cent paid thereon, as hereinafter required, then the said subscribers may, upon due and proper notice, elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed fifty years from the date of said articles; the amount of the capital stock of said company, the number of shares of which said stock shall consist; the number of directors and their names, who shall

Distribution
of reports.

Corpora-
tions; how
formed.

Notice.

Stock.

Articles of
association.

manage the concerns of the company for the first year, and shall hold their offices until others are elected; the place from and to which the proposed road is to be constructed; and each town, city and village into or through which it is intended to pass, and its length, as near as may be.

Article of association. Sec. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him in said company. The said articles of association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State; and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles; and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons, by gift, grant or otherwise, and holding any land, tenements and hereditaments, necessary to be used in the construction, repair and preservation of such road, and the erection of toll-gates and houses thereon; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of title ten of the revised statutes of this State, entitled "general provisions relating to corporations," as far as the same shall be applicable, and not inconsistent with the provisions of this act.

Powers.

General provisions.

Articles: where filed. Sec. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent on the amount of the stock subscribed thereto shall have been actually and in good faith paid to the directors named in such articles, nor until there is endorsed thereon or annexed thereto, an affidavit made by at least three of the directors named in such articles, that the amount of the capital stock required by the first section of this chapter has been subscribed, and that five per cent on the amount has been actually paid in; and no stockholder shall be entitled to vote for directors of any company of which he may be a member, or for any other purpose, unless all assessments due on his stock shall be paid before such election.

Vote of stockholders.

Sec. 4. A copy of any articles of association, filed in pursuance of

this chapter, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy, and of the whole of such articles of association, and of the affidavit endorsed thereon or affixed thereto, shall be in all courts and places presumptive evidence of the incorporation of such company, and of the facts therein stated.

Copy of articles may be made evidence.

Sec. 5. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as shall be directed by the by-laws of such corporation; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws of such company; the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock; and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term by the remaining directors. The directors shall hold their offices for one year, and until others are elected in their places; and no person shall be a director unless he is a stockholder in the company.

Board of directors.

Elections.

Vacancies.

Sec. 6. In case it shall happen that an election for directors shall not be held on the days fixed for such election by the by-laws of such company, such corporation shall not for that reason be dissolved; but it shall be lawful on any other day to hold an election for directors as shall be provided in the said by-laws; or if there be no such provisions, then on some early day, to be appointed by the directors then in office; and in all such cases the same notice of the time and place of holding the election shall be given as is provided in the preceding section; and all acts of the directors shall be binding as against such corporation.

Election.

Sec. 7. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Board; how formed.

Sec. 8. The directors, at their first meeting after their election,

Officers. shall choose by ballot one of their number as president and one as treasurer, and they shall supply a vacancy in the office of president or treasurer whenever the same shall occur.

By-laws. Sec. 9. The president and directors shall have power to make and prescribe such by-laws, rules and regulations respecting the transfer of stock, and the management and control of the property, business and affairs of such corporation as they may deem proper, not inconsistent with the constitution and laws of the United States or of this State; and shall have power to appoint and employ officers, clerks, agents and servants, for conducting and carrying on the business of such corporations, and determine their duties and the salaries and wages to be paid to them.

May enter upon lands. Sec. 10. It shall be lawful for such company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of such road, doing thereto no unnecessary damage, and paying any damage which may accrue; nor shall such company locate any such road through any orchard or garden without the consent of the owner thereof, nor through any buildings or any fixtures or erections for the purpose of trade or manufacture; or any yard or enclosures necessary for the use or enjoyment thereof, without permission from the owner or owners; and

Route. when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, to enter upon, take possession of and use such lands to the width of four rods, as said company may have purchased or obtained from the owners and occupants the right to use; and also to enter upon, take and use any other lands which may be necessary for the purpose of constructing and maintaining thereon such road, toll-houses, gates, fixtures and appurtenances; the necessity for taking

Damages. such land and the damages to be paid therefor being first ascertained, and such damages paid as hereinafter provided.

Shall not purchase lands except for use of road. Sec. 11. The said corporation shall not, in their corporate capacity, hold, purchase or deal in any lands within this State, other than the lands on which their road shall run, or which may be actually necessary for the construction or maintenance thereof, and of the gates, toll-houses and other fixtures connected therewith.

Sec. 12. Such company so formed may procure, by purchase or

gift from the owners thereof, any lands necessary for the construction of such road, or for the erection of gates, toll-houses and other fixtures, or may obtain from the owner or occupants the right to use the same for the purposes aforesaid, on such terms as they may agree upon in writing.

Sec. 13. Whenever said company shall desire to enter upon and occupy for the purpose of making said road, any lands, the owner of which shall refuse to permit such entry or occupation, and such company can not agree with such owner upon the compensation and damages to be paid for the use of such lands, it shall be lawful for the parties to appoint three disinterested persons, residents of the county, to estimate and appraise such compensation and damages. Every such appraisement shall be reduced to writing and signed by the appraisers or a majority of them, and a duplicate copy thereof shall be furnished to each of the parties. The expense of such appraisement shall be paid by said company.

Damage
appraised.



Sec. 14. Whenever such company shall be unable to agree with the owner or occupant of any such lands, whereon to construct such road, fixtures and appurtenances, or if they cannot agree upon appraisers as aforesaid, or if said appraisers so agreed upon shall fail to make their award within the stipulated time, or if the owner or occupant of any such lands shall be a married woman, minor, insane person, an idiot, or a non-resident of this State, having no known agent with power to sell, the directors of such company may apply by petition to any court of record within any county, through any part of which the route of said road may run, at any session thereof legally held, for the appointment of three commissioners to ascertain and determine whether it be necessary to the public interest to take such lands for the proposed road, and if so, to ascertain and determine the amount of damages therefor. Such petition shall briefly describe the route of said road, and shall state that such company have been unable to agree with certain owners or occupants of certain lands through which said road is to run, as to the necessity of taking such lands for the purposes of such road, or as to the amount of damages to be allowed therefor; but it shall not be necessary in such petition to describe particularly the lands nor the names of the owners; and if it shall appear to the court that previous public notice

Commis-
sioners of
appraisal.

of such application has been published for three successive weeks in a newspaper published in said county, or if none in the county, then in the paper published nearest thereto, then such court shall forthwith, or as soon as the business of such court will permit, proceed to hear and decide upon such application, and may hear any reason which they deem valid for or against the appointment of such commissioners, or of any commissioner which said court may name, and may hear any evidence applicable thereto; and if such court shall determine to appoint such commissioners, such court shall appoint three disinterested freeholders of said county, none of whom shall be residents of or owners of real estate in any township through which any part of such road shall run; and if it shall not be made to appear to such court that notice of such application shall have been given as aforesaid, the hearing shall be adjourned either to the next term thereof, or to such other day as shall be deemed proper, that such notice may be given, after which such court shall proceed with the hearing, and appoint commissioners as aforesaid.

Duties of
commissioners of
appraisal.

Sec. 15. Before such commissioners shall enter upon the duties of their office, they shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform their duties as such commissioners; which oath shall be in writing and shall be returned into such court with the report of their proceedings, and shall thereupon, at the request of the directors of such company, and at their expense, give notice of the time when they will proceed to examine the route of said road, or any part thereof, stating what part, to determine the necessity of taking the lands of any person or persons, and to ascertain and determine the damages therefor; which notice shall be published in a newspaper published in such county, or if none in the county, then in the paper published nearest thereto, for three successive weeks before the time appointed for making such examination and determination; and at or before the time appointed in such notice, the directors of such company shall furnish to the said commissioners a map and description, by reference thereto, of all the lands, the necessity for taking which and the damages for which, they may wish said commissioners to determine on such examination, together with the names and residence of the owners thereof or persons interested therein, as far as the same can be as-

ascertained; and if it shall appear to said commissioners that notice in writing has been given by said company, or any officer or agent hereof, to each of the owners or persons interested therein, residents of the said county, of the said examination, and the objects thereof, by delivering the same to such persons, or leaving the same with some member of his family at his place of residence, ten days previous to the time of the examination, they shall proceed to examine so much of the route of such road within their county as shall have been mentioned in the notice published by them, and shall hear any reason that may be deemed pertinent, which may be urged for or against the necessity of constructing such road or the necessity of taking therefor any lands of any person through which the same may pass; and they may take any testimony having a bearing upon the question of such necessity; and in respect to the amount of damages to be allowed to any person or persons for the taking of any such lands for the purposes aforesaid; and each of said commissioners is hereby authorized to administer all necessary oaths to witnesses, or in the taking of any affidavits touching any matter before them, and may issue subpoenas for witnesses with the same effect as courts of law; and all witnesses shall be liable to the same penalties for disobedience as for the like disobedience to subpoenas issued by a court of law, and may be fined or committed by such commissioners for contempt, as in courts of law; and such examination may be continued as long as may be necessary, or adjourned, as to them shall seem just, not, however, to exceed ten days at any one time, without the consent of both parties; and if the said commissioners shall ascertain and determine that such road is not necessary to the public interest, or that no lands of any individual are necessary to be taken for any part of the said road, fixtures or appurtenances, they shall so certify in writing to the court by which they were appointed; and said company shall not be allowed to take any such lands of individuals unless by agreement with the owners or occupants thereof; but if said commissioners shall determine that it is necessary to the public interest to take any such lands for the purposes aforesaid, they shall proceed to ascertain, appraise and determine the amount of damages to the respective owners and occupants of such lands in consequence of the taking of such lands for the purposes aforesaid, de-

Duties of
 commissioners of
 appraisal.

Duties of
commissioners of
appraisal.

scribing with convenient certainty each separate parcel, with the amount of lands to be taken by said company from each parcel, and the name and residence of each owner, as far as the same is known. They shall keep full minutes of their proceedings, with the substance of the evidence taken before them, and all the affidavits which shall be used before them; and they, or a majority of them, shall make and sign a report of all their doings aforesaid, accompanied by all proper exhibits, and a map, with references thereto, and shall, in such report, state the several amounts of damages which shall have been allowed by them to each owner and occupant, in respect to each separate parcel upon which an appraisal shall have been made, stating separately the sums allowed to parties unknown, the lands for which such damages are allowed, and also all the lands claimed by said company to have been necessary to be taken, and which such commissioners shall have decided to be unnecessary, and shall file the said report with the clerk of the court by which they were appointed, within twenty days after completing such appraisal. The decision of a majority of such commissioners shall be valid, but all shall take part in the hearing; such decision shall be final and conclusive upon all such persons who shall not, within fifteen days after the filing of such report, make and file with the clerk of such court a motion to set aside said report, so far as it respects the lands in which such person is interested, and serve a copy thereof upon one of the directors of such company, if to be found in the county; and if such directors cannot be found in the county, then such filing shall be sufficient notice to the company.

Motion for
re-appraisal

Sec. 16. Said motion shall be heard at the next session of such court, unless for good cause shown the hearing shall be continued; and on such hearing either party may introduce testimony in addition to that returned by the commissioners; and said court may confirm or annul the decisions of such commissioners upon the matter in question, or may order a re-appraisal of such particular pieces or parcels, and fix the time therefor. In making such re-appraisal, the commissioners shall proceed as hereinbefore directed, as near as may be; and their report thereof shall be made as aforesaid, in respect to the particular lands in question; and such report shall be confirmed or annulled by said court, as above provided in respect to the first re-

port, and such court may order a re-appraisal as often as they may deem necessary, till the same shall be confirmed by said court.

Sec. 17. Said commissioners shall at any time thereafter, at the request of the directors of such company, and subject to the provisions above contained, proceed to ascertain and determine the necessity of taking the lands of any person or persons, and the amount of damages therefor, on any other portion of such road within such county, upon which such damages have not been ascertained; and they shall continue to be the commissioners for that purpose in respect to said road, until all such questions in reference thereto, in such county, shall have been ascertained; unless the court by which they were appointed shall, on cause shown, remove them; in which case, and in case of the death or continual absence from the State of any of them, such court shall appoint another or others to fill such vacancy.

Duties of commissioners of appraisal.

Sec. 18. If the route of such road shall run through or into more than one county, the like proceedings may be had in each of the counties through which any portion of the route may run.

Sec. 19. Such commissioners shall be entitled to receive two dollars per day for the time actually spent by them in the performance of their duties, to be paid by said company; and the person appointed to attend to the interest of incompetent or absent parties, as provided in section twenty-one of this act, shall also be paid by said company the like compensation; the fees of witnesses and officers for the service of subpoenas shall be the same as is or may be provided in respect to witnesses in courts of justices of the peace; and if it shall be made to appear to the said commissioners that said company, six days previous to any such examination in respect to damages, shall have offered in writing, and tendered to any claimant of damages as large a sum for such damages as shall be allowed by them, then all witness fees, with the cost of proceedings, their attendance, the fees of such commissioners and of the persons by them appointed under section twenty-one of this act, shall be paid by such claimants; and said company may sue for and recover any part of such costs or fees which they may have paid or become liable to pay, or the same may be offset by said company against any damages which may have been allowed to such person.

Fees of commissioners, witnesses and officers.

Appraisal
of land in
certain ca-
ses.

Sec. 21. If any person interested in lands or damages to be appraised by such commissioners, shall be a married woman, a minor, an idiot, an insane person, a non-resident of this State, or unknown, and there shall be no one duly authorized by law to act instead of any such person, the said commissioners shall appoint, by an order in writing, to be made and signed by them, some competent and suitable person who will consent to act, (such consent shall be made in writing, signed by such person,) to take care of the interest of such interested person, in respect to the proceeding to ascertain such damages; and all such notices as are required to be served on any owner or interested person residing in such county, shall be served upon the person so appointed, in like manner and with like effect as if served upon the owner or person interested; but any person so appointed to take care of the interests of any such non-resident or unknown owner, may be superseded by him or any person by him duly appointed.

Ibid.

Sec. 22. In all cases of the appraisal of land authorized by this act, or of damages, and every proceeding in relation thereto, in which the appointment of a person shall have been made in accordance with the provisions of the preceding section, the person so appointed shall be regarded and treated in all respects as a party representing the interests of the person or persons owning or interested in the lands or damages to be appraised; and all proceedings in such cases shall be effectual and conclusive upon the party represented by the person so appointed.

Witnesses
subpoenaed.

Sec. 23. On application of any party interested, any judge or justice of the peace may issue a subpoena, requiring witnesses to attend before such commissioners; and such subpoena shall have the same force and effect, and the witnesses duly subpoenaed by virtue thereof, and refusing or neglecting to obey the same, shall be subject to the same penalties and liabilities as if such subpoenas were issued from a court of record in a suit pending therein.

Damages
must be
tendered be-
fore using
lands.

Sec. 24. Such company shall not be entitled to enter upon and take (unless by agreement with the owners or occupants) any lands for the use of their road, the damages for which have been ascertained and determined by appraisal, as is provided in this act, until such company shall have paid or legally tendered the amount of such

damages to the person or persons entitled to receive the same, except in the cases provided in the next section (section, 25) of this act; and if such payment or tender shall not be made within thirty days after the appraisal has been finally determined and fixed, either by the award of persons agreed upon for making such appraisal, or by confirmation of the report of commissioners, or a neglect to move to set aside the report as above provided, then said company shall pay interest on such damages from the time such damages became determined and fixed as aforesaid; and after the payment or tender of such damages as in this section provided, or after complying with the provisions of the succeeding section of this act, the said company may enter upon and take the lands in respect to which such appraisal has been made to the said company, its successors and assigns, for the construction and maintenance of the said road, its fixtures and appurtenances.

Sec. 25. If any person entitled to receive the amount of any such award, be not a resident of this State, or cannot be found therein, the company may furnish to the court by whom such commissioners were appointed, or the judge thereof in vacation, satisfactory proof of such fact; and such court or the judge thereof, shall thereupon make an order that the amount of such award shall be paid to the treasurer of the county in which the lands lie, in respect to which such award was made for the use of such owner; and that notice of such payment be given by publishing the same once in each week for six successive weeks, in a newspaper published in the county, if there be one published there; if not, then such publication shall be made in a newspaper published in the city of Detroit. On satisfactory proof being made to the said court or judge, within three months from the time of making the last mentioned order, of such payment and publication, said court or judge shall make an order authorizing the company to take and hold the land in respect to which such award was made, which shall have the same effect as if such payment had been made to the owner personally. The affidavits and orders mentioned in this section, shall be filed in the office of the clerk of the court by which such commissioners were appointed, and such clerk shall file and preserve the same in his office.

Damages:
how paid to
non-resi-
dent owner.

How to obtain use of street.

Sec. 26. Whenever such company may wish to use any public street in any city or village for the construction of their plank road over the same, such company shall apply to the common council of any incorporated city or village, or the president and trustees of any incorporated village, or the township board where the village is incorporated, as the case may be, in which said street is situated, for the right to construct their plank road thereon; and it shall be the duty of such common council of any incorporated city or village, or president and trustees of any incorporated village, as the case may be, to examine, at the expense of such company, so much of any such street as may be wanted as aforesaid by such company; and if, in the opinion of a majority of such common council of any incorporated city or village, or president and trustees of any incorporated village, in the case may be, the public interest would not be prejudicially affected by granting the application of such company, said common council of any incorporated city or village, or president and trustees of any incorporated village, may, in writing, signed by them, grant to such company a right to enter upon, take and use such highway or street for the purpose of constructing, maintaining and using a plank road thereon; and upon filing such grant in writing in the office of the register of deeds of the proper county, the said company may enter upon, take and use such street according to the terms of the grant for the construction, maintenance and use of their plank road. The said common council, and said president and trustees shall not expend in improving the streets of the city or village the amount received by them from such company for the use of said street.

May use highway upon consent.

Sec. 27. Any plank road company which shall be organized under this act, is hereby authorized to enter upon, take and use any public highway on the route of said plank road, and to construct it on or on any part thereof, their plank road, with all necessary rights and appurtenances: *Provided*, The consent of the supervisor of the highway commissioner or commissioners, or a majority of the township clerk of each town through which such road passes, shall be first obtained; and such company, during the construction of such plank road, shall in no wise unnecessarily obstruct or prevent travel on such highway.

Sec. 28. Every plank road made by virtue of this act shall

out at least two and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth and permanent road, eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in twenty feet; and which road-way shall be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other, and also to permit carriages readily and easily to pass on and off such road where it is intersected by other roads; and no obstruction shall be suffered unnecessarily to remain upon such plank road at any such intersection. Mode of construction.

Sec. 29. Whenever any plank road company shall have completed their road, or any five consecutive miles thereof, the said company may erect toll-gates and demand and receive tolls from persons traveling on their road for so much as may be completed consecutively, at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three quarters of a cent per mile for every additional animal; for any vehicle, sled, sleigh or carriage drawn by one animal, one cent per mile; for every score of sheep or swine, half of one cent per mile; for every score of neat cattle, two cents per mile; for every horse and rider or led horse, one cent per mile. Such toll-gates, to be erected by such company, may be as many in number and located at such points as such company may deem necessary. Any person using such road may, upon the payment of the requisite amount of toll, demand and receive at any gate, a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll-gatherer through whose gate he is last entitled to pass. Rate of toll.

Sec. 30. No tolls shall be collected at any gate of any company incorporated under this act from any person passing to or from public worship on the Sabbath, or to or from a funeral, or farmers going to and from their work on their farms; and any person who shall make a false representation to any gate-keeper for the purpose of passing said gate without toll, under the exemption in this section pro- Exemptions

vided, and shall thereby induce such gate-keeper to let him pass gate with an animal or vehicle, without the payment of toll, shall be liable to pay to such company ten times the amount of toll for which such person would otherwise have been chargeable.

Court may
change loca-
tion of
gates.

Sec. 31. The supervisor of any township, the mayor of any incorporated city, and the president of any incorporated village, in which a toll-gate may be located on any such road, whenever he shall be of opinion that the location of such gate is unjust to the public interest by reason of the proximity of diverging roads, or for other reason, may, on at least fifteen days written notice to the president or secretary of said company, apply to the circuit court of the county in which such gate is located, for an order to alter or change the location of the said gate; the court, on such application, and on hearing the respective parties, and on viewing the premises, if the said court shall deem such view necessary, shall make such order in the premises as to the said court may seem just and proper. Such order shall be observed by the respective parties, and may be enforced by attachment or otherwise, as said court shall direct; and the decision of said court shall be final in the matter; and said court may direct payment of costs in the premises as shall be deemed just and equitable.

Payments
and forfeit-
ure of stock.

Sec. 32. The directors of any company incorporated under this act, may require payment of the sums subscribed to the capital stock at such times and in such proportions and on such conditions as they shall see fit, under the penalty of the forfeiture of the stock, and of the forfeiture of previous payments thereon, if payment shall not be made by the stockholders within sixty days after a personal notice, or notice published, requiring such payment shall have been published for six successive weeks in a newspaper published in every county in which any part of said road is situated, if any so published, and they shall give notice of the payments thus required, and of the place and time when and where the same are to be made, at least thirty days previous to the payment of the same, in one newspaper printed in each county in or through which the said road is located, or by sending such notice to each stockholder by mail, directed to him at his usual place of residence.

Sec. 33. The shares of any company formed under this act,

be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company; the directors of any such company may at any time receive subscriptions to stock in said company, till the whole amount of the stock mentioned in their articles of association shall be subscribed, and with the consent of a majority in amount of stock of the stockholders in such company, provide for such increase of the capital stock of such company as may be necessary to finish the making of a road actually commenced and partly constructed.

Sec. 34. Within thirty days after the formation of any company under this act, the directors thereof shall designate some place within a county in which their road or some part thereof is to be constructed, as the office of such company, and shall give public notice thereof, by publishing in some newspaper published in such county, if there be one; if not, then in a newspaper published in the city of Detroit; which publication shall be continued once in each week for three successive weeks, and shall file a copy of such notice in the office of the register of deeds of every county in which any part of such road is constructed or intended to be constructed; and if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid, before it shall take place; in which notice the time of making the change shall be specified; and every summons, notice, declaration, other paper or process required by law to be served, by leaving the same at such office, with any person having charge thereof, at any time, except Sunday and the fourth day of July.

Sec. 35. It shall be the duty of the directors of any such company to cause a book to be kept by the secretary, treasurer or clerk thereof, containing the names of all persons, alphabetically arranged, who are or shall have been within six years stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the holders of such shares, and every transfer of such stock, and the amount of stock actually paid in; which book shall, during business hours, be open for the inspection of all persons who may desire to examine the same, at the office of such company; and any and every person shall have the right to make extracts from

such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferable liable for the debts of the company, according to the provision of this act, until it shall have been entered therein, as required by section, by an entry showing to and from whom transferred. The book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders. Every officer or agent of such company who shall neglect to make any such proper entry in such book, or shall refuse or neglect to exhibit the same or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of \$100 dollars for every such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such a book open for inspection as aforesaid, shall pay and forfeit the sum of \$100 dollars for every day it shall so neglect, to be sued for and recovered in the name of the people of the State by the prosecuting attorney of the county in which the office of said company is located; and when so recovered, the amount shall be paid in equal portions to every county through which the road of such company is constructed.

Penalty for neglect.

Sec. 36. The stockholders of every company incorporated under this act, shall be jointly and severally liable in their individual capacity for all labor performed for such company; and shall also be liable for the payment of the debts of such company for an amount equal to the amount of stock they have severally subscribed or owned in said company, to be recovered of the stockholder who is solvent when the debt is contracted, or of any subsequent stockholder.

Individual liability.

Sec. 37. If the directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted, whether they shall respectively continue stockholders or in office. If any certificate or report made, or public notice given by the officers of any such

Officers made individually liable in certain cases.

company, in pursuance of the provisions of this act, shall be knowingly false in any material representation, all the officers who shall have signed the same, knowing or having reason to believe the same to be false, shall be jointly and severally liable for all the debts of the company then existing, or which shall be contracted while they are officers thereof, or stockholders therein; but if any of the directors shall object to the declaring of any such dividend as is mentioned in this section, or to the payment thereof, and shall at any time before the time fixed for such payment, file a certificate of such objection with the secretary of the company, and in the office of the clerk of the county in which the business office of such company is located, the director so objecting shall be exempt from such liability, as above provided.

Sec. 38. But no suit shall be brought against any individual stockholder or stockholders for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved; and any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interest, costs and expenses; and any such stockholder who may have paid as aforesaid, shall have a right to bring an action against and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant: *Provided*, That no action for contribution shall be maintained by any officer of such company for any amount he may have been compelled to pay in consequence of any false certificate, report or notice made or signed by him as aforesaid. Mode of collection.

Sec. 39. On or before the first Monday of January in each year, it shall be the duty of the directors of every company formed under this act, to report to the Secretary of State, under the oath of two such directors, the length of road completed, the cost of constructing Report to Sec'y State.

their road, the amount of all moneys expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such road, the amount received during the previous year for tolls and from all other sources, stating each separately, the amount of dividends made, the amount set apart for repairs, and the amount of indebtedness of such company, specifying the object for which the indebtedness accrued.

Annual tax. Sec. 40. Each and every plank road company formed under this act, shall pay to the Treasurer of the State of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of such company; which said tax shall be estimated upon the last preceding report of said company, and shall be paid to said Treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

Penalty for over charges Sec. 41. Every toll-gatherer at any such gate who shall unreasonably hinder or delay any traveler or passenger, or shall demand or receive from any person more toll than by law he is authorized to collect, shall, for each offence, forfeit the sum of five dollars to the party aggrieved, and shall be liable to the party aggrieved for all damages.

Collection of penalty. Sec. 42. Whenever a judgment is obtained against a toll-gatherer for a penalty, or for damages for acts done or omitted to be done by him, in his capacity of toll-gatherer, and goods and chattels of the defendant to satisfy such judgment cannot be found, it shall be paid by the corporation whose officer he shall be; and if on demand payment be refused by the corporation, the amount of such judgment, with costs, may be recovered of such corporation.

Post list of rates Sec. 43. It shall be the duty of the directors of every such company to affix and keep up at or over each gate, where it can be conveniently read, a printed list of the rates of toll demanded at such gate.

Pay before passing. Sec. 44. Each toll-gatherer may detain and prevent from passing through his gate, all persons, riding, leading or driving animals or carriages subject to toll, until they shall have paid respectively the tolls authorized by law.

Sec. 45. Any such corporation shall be liable for all damages that may be sustained by any person or person, to themselves or property, in consequence of neglect or omission to keep such road in good condition or repair; and if such company shall continue to take toll for passing over that portion of their road which may be out of repair, so as to make the passage of teams or vehicles inconvenient or dangerous, for six days at any one time, they shall pay therefor a penalty of fifty dollars, which may be sued for and recovered by the prosecuting attorney of the county in which such portion of their road may be situated, on complaint on oath of any person, to be paid when collected to the treasurer of such county, for the benefit of township libraries in such county: *Provided*, That the counties of the upper peninsula be excepted from the provisions of this section.

Damages for not keeping road in repair

Sec. 46. If any person shall wilfully obstruct, break, injure or destroy any road constructed under the provisions of this act, or any work, building, fixtures or toll-gates attached to or in use upon the same, belonging to said company, such person so offending shall, for every such offence, be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year.

Penalty for injuring road.

Sec. 47. Any person who shall forcibly or fraudulently pass any toll-gate erected on such road in pursuance of this act, without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall, with his carriage or horse, or other vehicle or animal subject to toll, turn out of such road or pass any gate thereon on any ground adjacent thereto, and enter again on such road, shall for each offence be liable to a fine not exceeding ten dollars, to be sued for and recovered by such company.

Fine for fraudulently using road.

Sec. 48. Every company incorporated under this act shall cease to be a body corporate,

Corporat'n. how dissolved.

First: If within two years from the filing of their articles of association, they shall not have commenced the construction of their road and actually expended thereon at least ten per cent of the capital stock of such company; and,

Second: If, within ten years from such filing of the articles of association, such road shall not be completed according to the provisions of this act.

Affairs sub-
ject to legis-
lative exam-
ination.

Sec. 49. All companies formed under this act, shall at all times be subject to visitation and examination by the Legislature, or a committee appointed by either House thereof, or by any agent or officer in pursuance of law; and the courts of this State shall have the same jurisdiction over such corporation and their officers, as over those created by special acts.

Amendment
or repeal.

Sec. 50. The Legislature may at any time alter, amend or repeal this act; but such alteration or amendment shall not operate as an alteration or amendment of the corporate rights of companies formed under it, unless especially named in the act so altering or amending this act: and the Legislature may annul or repeal any corporation formed or created under this act; but such alteration, amendment, annulling or repealing, shall not, nor shall the dissolution of any such company, take away or impair any remedy given for or against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Corpora-
tions now
organized
may form
under this
act.

Sec. 51. Any plank road company heretofore incorporated, may be formed into a corporation under this act, by a vote of the stockholders, at any legal meeting thereof, by filing with the Secretary of State a certificate of the directors of such company, verified by the oath of such directors, setting forth all the matters required in this [the] certificate provided for in the first and second sections of this act, and subject to the conditions mentioned in section three of this act; such certificate shall also set forth the amount of capital stock subscribed, the amount paid in, the amount thereof expended on its road, and the length of road constructed, if any. But no such existing corporation wishing to organize under this act, shall be required to open books of subscription to its capital stock, if, under its former act of incorporation, its stock to the amount of at least two hundred dollars per mile of its road shall have been in good faith subscribed, and five per cent paid thereon; and every such company which shall so organize under this act, shall remain liable for all the debts, contracts and obligations, and shall preserve all the property, rights of property, and contracts to which it was liable, and to which it would have been entitled under its original act of incorporation; but in all

ther respects, such organization under this act shall operate as a surrender of its former act of incorporation.

Sec. 52. This act shall take effect immediately.

Approved April 8, 1851.

[No. 156.]

AN ACT to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers.

Section 1. *The People of the State of Michigan enact*, That the supervisors of the several townships and cities in each of the counties in this State, shall meet annually in their respective counties for the transaction of business as a board of supervisors; they may also hold special meetings when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary. The annual meetings of the board of supervisors shall be held on the second Monday of October each year, at the court house in their respective counties, if there be one, and if there be none, then at some place at the county seat, there be one, and if no county seat be established, then at such place in the county as the clerk of such county may appoint, of which the clerk shall give three weeks' public notice, by publishing the same in some newspaper printed in said county, if any, and if none, then in the paper nearest thereto. Meetings.

Sec. 2. The alderman of each ward of the city of Detroit, having the shortest time to serve, shall act as supervisor on the board of supervisors; the city of Monroe shall be entitled to one supervisor for each ward, who shall be the assessor thereof respectively, and the city of Grand Rapids shall be entitled to two supervisors. Annual do.

Sec. 3. A majority of the supervisors of any county shall constitute a quorum for the transaction of the ordinary business of the county; and all questions which shall arise at their meetings shall be determined by the votes of a majority of the supervisors present, except upon the final passage or adoption of any measure or resolution, which case a majority of all the members elect shall be, necessary. They shall sit with open doors, and all persons may attend their City super-
visors.

Duties. meetings. They shall at their first meeting in each year choose one of their number as chairman, who shall preside at all meetings of the board during the year, if present; but in case of his absence from any meeting, the members present shall choose one of their number as a temporary chairman. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board or connected with the discharge of their duties, to issue subpoenas for witnesses, and to compel their attendance in the same manner as courts of law.

Powers.

Clerk; his compensation and duties. Sec. 4. The county clerk of each county, or in his absence, his deputy, shall be the clerk of the board of supervisors of such county, and shall be allowed for his services as such clerk a reasonable compensation, to be fixed by the board and to be paid by the county. It shall be the duty of such clerk,

1st. To record all the proceedings of such board in a book provided for that purpose.

2d. To make regular entries of all their resolutions and decisions upon all questions.

3d. To record the vote of each supervisor on any question submitted to the board, if required by any member present.

4th. To preserve and file all accounts acted upon by the board.

5th. To certify, under the seal of the circuit court of his county, without charge, copies of any and all resolutions or decisions on any of the proceedings of such board, when required by such board, or any member thereof, or when required by any other person, upon payment of six cents per folio therefor; and such certificate shall be prima facie evidence of the matters therein set forth.

6th. To perform such other and further duties as such board may by resolution require.

Records. Sec. 5. The books, records and accounts of the board of supervisors shall be deposited with their clerk, and shall be open without any charge to the examination of all persons. It shall be the duty of the clerk to designate upon every account upon which any sum shall be audited and allowed by the board, the amount so audited and allowed, and the charges for which the same was allowed.

Sec. 6. It shall be the duty of every such board of supervisors, as often as once in each year, to examine the accounts of the treasurer

of their county, and to ascertain and enter upon their records a full statement of such account. Treasurer's accounts.

Sec. 7. It shall be the duty of such board, as often as shall be necessary, to cause the court house, jail, and public offices of their county to be duly repaired at the expense of such county; but the sums expended in such repairs shall not exceed five hundred dollars in any one year, unless authorized by a vote of the electors of such county, as hereinafter provided. Repairs of public buildings.

Sec. 8. They shall also cause to be prepared within the jails of their respective counties, at the expense of such counties, so many cells for the reception of convicts, as they may deem necessary. Cells for convicts.

Sec. 9. They shall cause to be made out and published yearly, immediately after their annual meeting, in at least one newspaper, if there be one published in the county, if not, in some paper published nearest thereto, a report of the receipts and expenditures, which shall contain a statement of the names of each claimant, the amount claimed, and the amount allowed, of the year next preceding the accounts allowed, and a full statement of the amounts of the treasurer's account on the last settlement, as on his balance sheet or account current in making the settlement. Annual report.

Sec. 10. A special meeting of the board of supervisors of any county shall be held only when requested by at least one-third of the supervisors of such county; which request shall be in writing, addressed to the county clerk, and specifying the time and place of such meeting; and upon the reception of such request, the clerk shall immediately give notice in writing to each of the supervisors, by causing the same to be delivered to such supervisors personally, or by leaving the same at the place of residence of such supervisor, at least six days before the time of such meeting. Special meetings.

Sec. 11. The said several boards of supervisors shall have power, and they are hereby authorized, at any meeting thereof lawfully held, Powers of board.

1st. To purchase for the use of the county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith.

2d. To purchase any real estate necessary for the site of any court

Powers of
board.

house, jail, clerk's office, or any other public county buildings in such county.

3d. To fix upon and determine the site of any such buildings, if not previously located.

4th. To authorize the sale or leasing of any real estate belonging to such county, and to prescribe the mode in which any conveyance thereof shall be executed.

5th. To remove or designate a new site for any county buildings required to be at the county seats, when such removal shall not exceed the limits of the village or city at which the county seat is situated as previously located.

6th. To cause to be erected the necessary buildings for poor houses, jails, clerk's offices, and other county buildings, and to prescribe the time and manner of erecting the same.

7th. To borrow or raise by tax, upon such county, any sum of money necessary for any of the purposes mentioned in this act: *Provided*, That no greater sum than one thousand dollars shall be borrowed or raised by tax in any one year, for the purpose of constructing or repairing public buildings, highways or bridges, unless authorized by a majority of the electors of such county voting therefor, as hereinafter provided.

8th. To provide for the payment of any loan made by them, by tax upon such county, which shall in all cases be within fifteen years from the date of such loan.

9th. To prescribe and fix the compensation for all services rendered for, and adjust all claims against their respective counties; and the sums so fixed and defined shall be subject to no appeal.

10th. To direct and provide for the raising of any money which may be necessary to defray the current expenses and charges of said county, and the necessary charges incident to, or arising from, the execution of their lawful authority, subject to the limitations prescribed in this act.

11th. To abolish, but not revive the distinctions between township and county poor.

12th. To extend and determine by resolution the time when each collector or township treasurer in their county shall make his return to the county treasurer; but such time shall in no case exceed one

onth from the time fixed by the general law; and in all cases, in- Powers. of
rest shall be charged on all taxes so extended for the time of such board.
tension.

13th. To make such laws and regulations as they may deem necessary, and provide for enforcing the same, for the destruction of old beasts, of thistles and other noxious weeds, within the several counties.

14th. To require any county officer, whose salary or compensation is paid by the county, to make a report under oath, to them, on any subject or matters connected with the duties of their offices, and require any such officer to give such bonds, or further or additional bonds, as shall be reasonable or necessary, for the faithful performance of their respective duties; and any such officer who shall neglect or refuse to make such report, or to give such bond, within reasonable time after being so required, may be removed from office by such board, by a vote of two-thirds of the members elect, and the office declared vacant; and such board may fill such vacancy for the unexpired portion of the time for which such officer was elected and appointed: *Provided*, That if the spring or fall election shall occur before the expiration of the said unexpired term, if the office be elective one, the vacancy shall be filled at such election, and it shall be the duty of said board to give reasonable notice of such election to fill the vacancy.

15th. To authorize any township or townships in their respective counties, by a vote of the electors of such township or townships, borrow or raise by tax upon such township, any sum of money not exceeding one thousand dollars in any one township in any one year, to build or repair any roads or bridges in such township or townships, or in the use of which such township or townships may be interested; and to prescribe the time for the payment of any such loan, which shall be within ten years, and for assessing the principal and interest thereof upon such township or townships; and if any road or bridge is situated partly in one township and partly in another, or on the line between townships, or in case any township have any particular local interest in the construction or repair of any bridge, such board of supervisors may determine, under such regulations as they may establish, the relative proportion which each

township shall contribute in the building or repairing thereof; and the amounts so apportioned to the several townships shall be assessed and collected in the same manner as other township taxes are now assessed and collected by law.

16th. To represent their respective counties, and to have the care and management of the property and business of the county, in all cases where no other provision shall be made.

17th. To establish such rules and regulations in reference to the management of the interests and business concerns of such county, and in reference to the mode of proceedings before such board, as they shall deem necessary and proper, in all matters not specially provided for in this act, or in some other law of this State.

Sec. 12. None of the powers mentioned in the third, fifth, sixth, eleventh, twelfth, thirteenth, fifteenth and sixteenth subdivisions of the last preceding section, shall be exercised without a vote of two-thirds of all the members elected to such board.

When two-thirds vote required.

Sec. 13. The said respective boards of supervisors in each county entitled to more than one representative in the State Legislature, shall have power, and it shall be their duty, at their annual meeting in the year eighteen hundred and fifty-one, and at their annual meeting next after each subsequent apportionment of such representatives by the Legislature, to divide their respective counties into representative districts, equal in number to the number of representatives to which such county is entitled by law, in accordance with section three of article four of the constitution of this State; and they shall cause to be filed in the office of the Secretary of State, and in the office of the clerk of such county, within thirty days after such division, a description of such representative districts, specifying the number of each district and the population thereof, according to the last preceding enumeration.

Division of county into representative districts.

Sec. 14. Such boards of supervisors shall have power within their respective counties, by a vote of two-thirds of all the members elected, to erect and provide for the organization of new townships, in the manner hereinafter prescribed. Upon application to the board, as hereinafter provided, (of at least twelve freeholders of any territory not in any organized township, where the application is to erect such unorganized territory into a new township,) and upon being fur-

New townships.

ished with a map and survey; and if the application be granted, a copy of such map, with a certified statement of the action of such board thereto annexed, shall be filed in the office of the clerk of such county, and a duplicate thereof in the office of the Secretary of State; and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next Legislature, after the filing thereof, in the same manner as other laws are published.

Sec. 15. Notice in writing of such intended application, subscribed by not less than twelve freeholders of the unorganized territory proposed to be erected into a township, shall be posted in five of the most public places in the unorganized territory proposed to be organized into a township, for four weeks next previous to such application to the board of supervisors; and a copy of such notice shall also be published once in each week for four successive weeks, in some newspaper printed in the county, if any published therein, immediately preceding the meeting of the board at which such applications to be made.

Notice of
application
to be posted.

Sec. 16. Whenever the board of supervisors shall erect a new township in any county, they shall designate the name thereof, the time and place of holding the first annual township meeting therein, and three electors of such township, whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting. And in case any of the three electors above mentioned shall refuse or neglect to serve, the electors of said township present at such meeting shall have power to substitute some other elector of such township for each one so neglecting or refusing to serve. Notice of the time and place of such meeting, signed by the chairman or clerk of the board of supervisors, shall be posted in four of the most public places in such new township, by the persons so designated to preside at such meeting, or by some person appointed by such board of supervisors for that purpose, and in each of the townships whose boundaries may have been altered by the erection of such new township, at least fourteen days before holding the same. They shall also fix the place for holding the first township meetings in the town or towns from which such new township shall be taken, which shall also be stated in the notice posted in such last named

Organiza-
tion of new
townships.

township; but nothing in this act shall affect the rights or abridge or enlarge the term of office of any justice of the peace or other town officers in any such township; but such justice of the peace or other township officer residing within the limits of such new township, shall continue to be such justice or other officer in such new township, till the expiration of the time for which he was elected, in the same manner as if originally elected therein; and the terms of office of the supervisor, township clerk, commissioners of highways, township treasurer, school inspectors, constables and overseers of highways, elected at such first township meeting, shall expire on the first Monday of April thereafter, or as soon thereafter as their successors are elected and qualified.

Removal of
county seat.

Sec. 17. Whenever a county seat is proposed to be removed, the board of supervisors for such county shall have power, by a vote of two-thirds of all the members elect, to designate a place to which such proposed removal is to be made, and after a majority of the electors of such county voting thereon shall have voted in favor of the proposed location, as hereinafter provided, to make and establish such county seat.

Proposition
submitted
to the peo-
ple.

Sec. 18. Whenever such board shall have designated the place of such proposed removal, as provided in the next preceding section, they shall also provide for submitting such proposition at the next township meeting to the vote of the electors of such county; and they shall thereupon cause notices thereof to be posted up in three of the most public places in each township of such county, for at least thirty days previous to the time fixed for such vote, and shall cause the same to be published in one newspaper printed in the county, if any, and if none in the county, then in the paper published nearest thereto, for at least three successive weeks previous to such vote, setting forth that such proposed location has been designated by two-thirds of such board, and stating the day when the proposition will be submitted to the electors of the county in their several townships.

Manner of
voting on
proposition.

Sec. 19. At the time specified in such notices, a vote of the electors of such county shall be taken in each of the townships in such county, at the place designated for the next township meeting. The inspectors receiving the votes shall be the same as required at the annual township meeting, and the votes shall be canvassed by the same

officers and in the same manner as required at such annual meeting; and the result of such vote shall be certified by them and transmitted to the county clerk within ten days after such vote shall be taken; which certified statements shall be delivered by such clerk to the board of supervisors at their next meeting. All voting in the several townships, as provided in this section, shall be by ballot, and those voting in favor of such proposed location shall have written or printed on their ballots, "For the removal of the county seat;" and those voting against such proposed location shall have written or printed on their ballots, "Against removal of the county seat."

Sec. 20. Whenever it shall become necessary, under the provisions of this act, to submit to a vote of the electors of any county the question of raising any sum of money by loan or by tax, the said board, after having determined the sum necessary to be raised, whether the same shall be made by loan or by tax, shall proceed to give the notice of such determination, and of the time when the question will be submitted to the electors of such county in the several townships; which notice shall be for the same length of time and posted in the same manner as required by the eighteenth section of this act; and the votes shall be taken, canvassed, certified and returned in the same manner as required by the nineteenth section of this act, except that those voting for such tax or loan shall have written or printed on their ballots the words "for the tax," or "for the loan," as the case may be; and those voting against the tax or loan, shall have written or printed on their ballots the words "against the tax," or "against the loan," as the case may be.

Mode of submitting loan or tax to a vote of the people.

Sec. 21. Every such board of supervisors shall have power, within their respective counties, to permit or prohibit the construction or maintenance of any dam or bridge, over or across any navigable stream.

Dams and bridges.

Sec. 22. Whenever any person or persons, or any incorporation shall wish to construct a dam across any such stream as is mentioned in the preceding section, such person or persons, or corporation, shall present to the board of supervisors, or file with their clerk, to be presented to them at their next meeting, a petition praying for leave to construct such dam, and setting forth the purpose, location, height and description of such dam, and whether it is proposed to

Ibid.

Dams and
bridges

construct a lock or shute or apron, and of what description, for the passage of boats, vessels, rafts or timber; and before the same shall be heard and determined by such board, it shall be made to appear to the board that notice of such application, signed by the petitioners, and stating substantially the contents of such petition, has been posted up in three of the most public places in each township through which such stream runs, at least three weeks previous to the hearing of such application, and published in some newspaper printed in such county, if any published therein. And on such hearing any person or persons shall be heard in favor of and in opposition to the prayer of the petition; and such board may adjourn such hearing to any other time or place; and they may grant or refuse the prayer of such petition. And the determination shall be entered at length upon the record of said board. And if such board shall allow the said dam to be constructed, the petitioners shall be at liberty to construct the same by complying fully with the terms and conditions set forth in their petition; and after having obtained such right, and constructed such dam, such petitioners, their heirs, successors or assigns, may, if such dam be destroyed or decayed, construct a new dam, subject to all the same terms and conditions, on the same site, without again applying to such board: *Provided*, That nothing in this act contained shall be construed as giving to such board of supervisors any power to grant the right to any person or persons or corporation, to flow, or in any manner to take or injure the lands of any person or persons, by or in consequence of constructing such dam.

Ibid.

Sec. 23. Whenever any person or persons, township officers or corporation, shall wish to construct any bridge across any stream at a point where the same is navigable for boats or vessels of fifteen ton burden or more, they shall apply to the board of supervisors by petition, and shall give notice of the same, in like manner, as near as may be, as provided in section twenty-two of this act; and the powers, and the mode of proceeding of such board, shall be the same, as near as may be, as provided in the last named section. Every such petition shall set forth the kind and description of the bridge proposed to be constructed, and whether the same is to be constructed with a draw, or whether any and what provision is to be made for the passage of vessels or boats; and such board shall have the power to grant or

refuse the prayer of such petition, upon such terms as they may deem just and reasonable, and to prescribe what description of bridge may be constructed, or to prohibit the construction of any bridge on the proposed location, as in their judgment the public interest shall require.

Sec. 24. Every such board of supervisors shall have power to make general rules and regulations as to the kind of bridges, and the mode of constructing the same over any such stream, as mentioned in section twenty-one of this act, when such stream shall not be navigable for boats or vessels of fifteen tons burden, or to grant permission for building the same, without the notice or hearing above provided, in such manner as shall be judged proper with reference to the passage of boats, rafts and timber. Dams and bridges.

Sec. 25. That the board of supervisors of the several counties within this State, are hereby authorized and empowered to cause to be laid out, established, altered, discontinued or opened, all State and territorial roads heretofore or now laid out, or hereafter to be laid through or within their respective counties, whenever they may deem it for the interest of the public. Roads.

Sec. 26. Whenever the board of supervisors of any county are petitioned to by at least twelve freeholders of each of the township^s through which any such road or roads may pass, they shall, upon such petition, authorize the commissioners of highways of such townships to cause the line of said road or roads, within their respective townships, to be surveyed and located therein, and such commissioners shall report such survey and location to the board of supervisors of their county; and upon examination of said survey and report said board may declare such road or roads duly laid out, established, discontinued, opened or altered, as the case may be. Ibid.

Sec. 27. Whenever said road or roads shall be surveyed, laid out, altered or established under the provisions of this act, it shall be the duty of the board of supervisors to whom such petition and report may have been made as aforesaid, to notify and require the commissioners of highways of the several townships through which said road or roads may pass, to furnish to the several township clerks of such townships the minutes of all surveys within their respective town-

ships, and the same shall be recorded by said clerks in the same manner that township roads are recorded.⁶

Damages. Sec. 28. Any person feeling himself aggrieved by the laying out, altering, discontinuing or opening of any road or roads, may have his damages appraised, and obtain the same in the same manner and under the restrictions made and provided relative to township roads.

Records. Sec. 29. Every order, resolution and determination of such board of supervisors, made in pursuance of this act, shall be recorded in the records of such board, and signed by the chairman and clerk of such board.

Compensation. Sec. 30. Each member of such board of supervisors shall be allowed a compensation of one dollar and fifty cents per day for his services and expenses in attending the meeting of such board; and six cents for each mile traveled in going to and returning from the place of such meeting, to be audited by the board and paid by the county.

Forfeiture for neglect of duties. Sec. 31. If any supervisor shall neglect or refuse to perform any of the duties which are or shall be required of him by law, as a member of the board of supervisors, without just cause therefor, he shall for each offence forfeit one hundred dollars.

Sec. 32. Nothing in this act contained shall abridge the powers or duties of any board of supervisors, which they now or hereafter may possess under any other law of this State, and which are now provided for in this act.

Repeal. Sec. 33. All that part of chapter fourteen, title three of the revised statutes of eighteen hundred and forty-six, from and including section one to and including section twenty-six, is hereby repealed: *Provided*, That such repeal shall not affect any act done, or any right accruing or accrued.

Sec. 34. This act shall take effect immediately.

Approved April 8, 1851.

[No. 157.]

AN ACT to define the limits, jurisdiction and powers of Circuit Courts.

Section 1. *The People of the State of Michigan enact, That th*

State shall be divided into eight judicial circuits, to be denominated the first, second, third, fourth, fifth, sixth, seventh and eighth circuits, respectively, and to be composed as follows: Number of circuits.

1. The first, of the counties of Monroe, Lenawee and Hillsdale;
2. The second, of the counties of Branch, St. Joseph, Cass and Berrien. Division of.
3. The third, of the county of Wayne;
4. The fourth, of the counties of Washtenaw, Jackson and Ingham;
5. The fifth, of the counties of Calhoun, Kalamazoo, Allegan, Eaton and Van Buren;
6. The sixth, of the counties of St. Clair, Macomb, Oakland and Sanilac;
7. The seventh, of the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola and Midland.
8. The eighth, of the counties of Barry, Kent, Ottawa, Ionia, Clinton and Montcalm.

Sec. 2. The circuit judges of the several circuits respectively, shall annually hold two terms of the circuit court in each of the counties included within their respective circuits; and in counties containing ten thousand inhabitants or upwards, four terms of said court shall be held in each year. Terms of court.

Sec. 3. Each of the circuit judges shall, on or before the first day of November next, and every two years thereafter, fix and appoint the times of holding the several terms within his circuit, for the period of two years; which appointments, when so made, shall continue unalterable for two years thereafter; and he shall immediately transmit to the clerk of each county within his circuit, a notice of the appointment of terms so made by him; and it shall be the duty of such clerk to file and preserve such notice. And said judge shall cause a copy of such notice to be published in two newspapers within his circuit once in each week for five successive weeks, and the last publication thereof shall be at least three weeks before the holding of any term in pursuance thereof; and the expense of such publication shall be paid out of the State treasury upon the warrant of the Auditor General. Judges to appoint terms. Publish number.

Sec. 4. If the circuit judge of the proper circuit shall fail to at-

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tion thereof, from and after the 20th day of February present, whatever portion of the 25,000 acres of internal improvement land, appropriated for the construction of a canal and locks around the rapids of Grand river at Grand Rapids, by act No. 19, of session laws of 1847, as have been heretofore selected and set apart for the purposes of said improvement, in pursuance of law, may yet remain undisposed of or yet undrawn from said land office, until further ordered by the legislature: and that the Secretary of State also be and he is hereby directed not to issue to any person patents for the above mentioned unsold or undrawn lands, or any portion thereof, nor for any lands for which certificates have been issued by the commissioner of the land office, until further ordered as aforesaid: and that the aforesaid commissioner of the State land office be directed not to sell or dispose of, to any person, or in any manner, such portion of the 1,600 acres of land, other than the original appropriation of 25,000 acres, which James Davis, the contractor for the construction of said canal, was authorized to select by preamble and joint resolution No. 36, of the session laws of 1849, yet remaining undrawn from said land office or unsold, or in any manner under the control of said commissioner.

Approved February 25, 1851.

[No. 5.]

JOINT RESOLUTION relative to the construction of a ship canal around the Falls of St. Marie.

Whereas, No region of country within the broad limits of our national domain, affords a subject of more interesting contemplation than that portion of the State of Michigan denominated the upper peninsula. With fisheries acknowledged by the most scientific men in the country to exceed in richness and their boundless resources even those of Newfoundland—with copper mines, the wealth of which astounds the world, and with iron mountains yielding a richer ore than has hitherto come to the knowledge of mankind; and

Whereas, The principles which have authorized and sanctioned numerous grants to the State, for turnpikes, canals and rail roads, through or leading to the public domain, designed to promote the

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sales of government lands, to facilitate the settlement of a new country, to develop new resources of public wealth, and to open new fields for enterprising labor, appear never to have been applied to this section of our country; and

Whereas, The general government, though repeatedly applied to for appropriations to build a ship canal around the falls of St. Marie, appear to have paid but little or no attention to such applications; and

Whereas, The construction of said ship canal would greatly advance the agricultural and commercial interests of the Western States, by opening a boundless field for the industry and enterprise of the citizens of seven States of this Union, who will have access to and may be immediately benefitted thereby, and which would afford facilities for opening the inexhaustable resources of the said fisheries, mines and minerals, yielding to the government an increased revenue thereby, and bringing into market for settlement the large quantity of farming lands in that section, as also the immense forests of pines which are becoming of great value, and would extend our ship and steamboat navigation by adding an extent of over sixteen hundred miles of navigable coast to that of the lower lakes; and

Whereas, The length of the work contemplated does not exceed three-fourths of a mile, and which could be completed at a cost not exceeding five hundred thousand dollars; and

Whereas, The construction of [said] ship canal is an important national work, therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be again requested to use all honorable means in obtaining appropriations of money by the general government to accomplish the object expressed in the foregoing preamble; and that the Governor of this State be requested to forward copies of the foregoing preamble and this resolution to the governors of the several States and to our Senators and Representatives in Congress, at the present session; and if not then acted upon by Congress, to each of our Senators and Representatives as aforesaid, at the commencement of the first session of the next Congress.

Approved March 3, 1851.

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[No. 6.]

JOINT RESOLUTIONS relative to moneys advanced by the State of Michigan, in behalf of the United States, and for the amount paid by the State for expenses incurred whilst a territory, in maintaining our territorial boundary.

Whereas, The State of Michigan, in behalf of the government of the United States, expended in fitting out the first regiment of Michigan volunteer infantry, in pursuance of a requisition made by the war department upon the Executive of this State, money now amounting to over seventeen thousand dollars; and

Whereas, The State has paid a large amount for expenses incurred whilst a territory, in maintaining our territorial boundary, as established by Congress, before its alteration by that body, in the act providing for our admission as a State; and

Whereas, The amount so paid and interest thereon, would certainly seem to be an equitable and just claim against the Federal treasury; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to use their influence to procure the passage of an act or joint resolution, by Congress, authorizing or requiring the proper officer of the treasury department to allow and pay to the State such money, expended as aforesaid.

And it is further resolved, That our Senators and Representatives in Congress be and they are hereby also requested to obtain, if possible, the submission to some proper officer or tribunal, of the claim of the State, for allowance for expenses incurred in maintaining our territorial boundary whilst a territory, under the protection of the United States as aforesaid.

Resolved, That the Executive be and he is hereby requested to cause copies of the foregoing preamble and resolutions to be furnished to each of our Senators and Representatives in Congress, at the present session; and if not then acted upon by Congress, to each of our Senators and Representatives as aforesaid, at the commencement of the first session of the next Congress.

Approved March 3, 1851.

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[No. 7.]

AT RESOLUTION for the relief of Gardner Kellogg, M. S. Kellogg and Nelson H. Chittenden.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office be and he is by authorized to cancel and discharge a certain bond executed by Gardner Kellogg, M. S. Kellogg and Nelson H. Chittenden, and to secure the payment of the principal and interest upon the same money upon the east half of the south west quarter of section sixteen, in township eight north of range seven east, being prior school land sold to the said Gardner Kellogg on the ninth day of March, 1844.

This joint resolution shall take effect immediately.
Approved March 24, 1851.

[No. 8.]

AT RESOLUTION authorizing the Auditor General to draw and deliver to John Snow a land warrant in place of certain warrants which have been lost.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and required to deliver to John Snow a land warrant for internal improvement lands for the amount of one hundred dollars, in the place of three warrants which have been lost, amounting in all to the same hundred dollars aforesaid: *Provided,* That the said John Snow furnish proof, satisfactory to the Auditor General, of the loss of warrants: *And provided further,* That the said John Snow shall to the State of Michigan a good and sufficient bond, to be approved by the Auditor General, indemnifying the State against the payment of the said warrants heretofore issued and lost.

This joint resolution shall take effect immediately.
Approved April 2, 1851.

jury, he shall pay the further sum of three dollars; which sum ~~shall~~ shall be taxed in favor of the party paying the same, and recovering ~~judgment~~ judgment.

**Clerk to pay
moneys to
county
treasurer.**

Sec. 18. It shall be the duty of the several clerks of the circuit courts, and they are hereby required, within ten days after any term of their respective courts, to pay over to the county treasurer all moneys received for the fees in the last preceding section provided for together with a statement, under their hands, respectively, of the case in which such fees accrued, which statement shall be filed in the office of the county treasurer.

**When to
take effect.**

Sec. 19. This act shall take effect and be in force from and after the first day of January next, except section three, which shall take effect on the first day of October, eighteen hundred and fifty-one; and from and after said day all acts or parts of acts contravening the provisions of this act are repealed.

Approved April 8, 1851.

RESOLUTIONS.

[No. 1.]

JOINT RESOLUTIONS in relation to Indian claims.

Whereas, By the fifth article of the treaty made and concluded at the city of Washington, in the District of Columbia, on the 28th day of March, A. D. 1836, by and between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chippewa nations, by their chiefs and delegates, and as amended and ratified by the President, by and with the consent and advice of the Senate of the United States, there was set aside for said nations the sum of three hundred thousand dollars to pay such debts as they might justly owe, and the overplus, if any, to apply to such other use as they might think proper;

And Whereas, After their debts, up to the date of said treaty, had all been fully paid, there remained a large sum in the hands of the United States, which has never been paid over to said nations of Indians, but, together with the interest accumulated thereon, is still due;

And Whereas, Said nations are largely indebted to citizens of this State for debts contracted after said treaty, which they are desirous to pay and have made arrangements to liquidate, in accordance with the laws of this State, as shown by the revised statutes, which invests said Indians with equal judicial rights and privileges with other inhabitants; and

Whereas, Said arrangements contemplate the payment of said

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debts out of the surplus of said fund appropriated in said fifth article, as amended, and interest; Therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to use all just and fair means to cause said money to be paid to said nations, as stipulated and provided for by the aforesaid amendment of the Senate of the United States to the said 5th article of said treaty, and to procure the same to be done by a resolution of the United States Senate, or otherwise, and at as early a day as practicable.

Resolved further, That the Governor be and he is hereby requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

These Joint resolutions shall take effect and be in force from their passage.

Approved February 19, 1851.

[No. 2.]

PREAMBLE AND JOINT RESOLUTIONS relative to bounty land.

Whereas, By the construction the department of the interior of the United States have placed upon the bounty land act, passed at the last session of Congress, the officers of the regiment of volunteers from this State, who served in the late war with Mexico, are entitled to but eighty acres of land; and

Whereas, The said regiment was in the service of the United States but a few days less than nine months; Therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress, be requested to use all honorable means to secure the passage of an amendment to said bounty land act, securing to the officers of the first regiment of Michigan volunteers one hundred and sixty acres of land.

Resolved, That the Governor be requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress.

Approved February 22, 1851.

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[No. 3.]

PREAMBLE AND JOINT RESOLUTION in relation to claims to land of Joseph Sansfacon and other.

Whereas, Joseph Sansfacon and others did, on the twentieth day of June, A. D. 1808, at Detroit, file their claims to certain lands in L'Ance Scuse, bordering on Lake St. Clair, with Peter Andrain, register of the land office at Detroit, as appears on page 323, volume one, American State Papers on Public Lands;

And whereas, It also appears on page 323, volume one, American State Papers on Public Lands, that the board of commissioners then in session at Detroit, on the twentieth day of June, A. D. 1808, did confirm unto Joseph Sansfacon and others the amount of land by them claimed;

And whereas, From a re-survey of said lands, and as appears from the patents issued, it is ascertained that more than one-third less and is granted than was confirmed by the board of commissioners; Therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to procure the appointment of the Commissioner of the State Land Office of the State of Michigan, or some other person or persons to investigate the claims set up by these claimants, and also to take into consideration such other claims as may be presented, of a similar nature.

Resolved, That the Governor be and he is hereby requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

Approved February 22, 1851.

[No. 4.]

JOINT RESOLUTION relative to the appropriation of 25,000 acres of land to build a canal around the rapids of Grand river at Grand Rapids.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby directed to reserve from sale, or from any other disposi-

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tion thereof, from and after the 20th day of February present, whatever portion of the 25,000 acres of internal improvement land, appropriated for the construction of a canal and locks around the rapids of Grand river at Grand Rapids, by act No. 19, of session laws of 1847, as have been heretofore selected and set apart for the purposes of said improvement, in pursuance of law, may yet remain undisposed of or yet undrawn from said land office, until further ordered by the legislature: and that the Secretary of State also be and he is hereby directed not to issue to any person patents for the above mentioned unsold or undrawn lands, or any portion thereof, nor for any lands for which certificates have been issued by the commissioner of the land office, until further ordered as aforesaid: and that the aforesaid commissioner of the State land office be directed not to sell or dispose of, to any person, or in any manner, such portion of the 1,600 acres of land, other than the original appropriation of 25,000 acres, which James Davis, the contractor for the construction of said canal, was authorized to select by preamble and joint resolution No. 36, of the session laws of 1849, yet remaining undrawn from said land office or unsold, or in any manner under the control of said commissioner.

Approved February 25, 1851.

[No. 5.]

JOINT RESOLUTION relative to the construction of a ship canal around the Falls of St. Marie.

Whereas, No region of country within the broad limits of our national domain, affords a subject of more interesting contemplation than that portion of the State of Michigan denominated the upper peninsula. With fisheries acknowledged by the most scientific men in the country to exceed in richness and their boundless resources even those of Newfoundland—with copper mines, the wealth of which astounds the world, and with iron mountains yielding a richer ore than has hitherto come to the knowledge of mankind; and

Whereas, The principles which have authorized and sanctioned numerous grants to the State, for turnpikes, canals and rail roads, through or leading to the public domain, designed to promote the

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sales of government lands, to facilitate the settlement of a new country, to develop new resources of public wealth, and to open new fields for enterprising labor, appear never to have been applied to this section of our country; and

Whereas, The general government, though repeatedly applied to for appropriations to build a ship canal around the falls of St. Marie, appear to have paid but little or no attention to such applications; and

Whereas, The construction of said ship canal would greatly advance the agricultural and commercial interests of the Western States, by opening a boundless field for the industry and enterprise of the citizens of seven States of this Union, who will have access to and may be immediately benefitted thereby, and which would afford facilities for opening the inexhaustible resources of the said fisheries, mines and minerals, yielding to the government an increased revenue thereby, and bringing into market for settlement the large quantity of farming lands in that section, as also the immense forests of pines which are becoming of great value, and would extend our ship and steamboat navigation by adding an extent of over sixteen hundred miles of navigable coast to that of the lower lakes; and

Whereas, The length of the work contemplated does not exceed three-fourths of a mile, and which could be completed at a cost not exceeding five hundred thousand dollars; and

Whereas, The construction of [said] ship canal is an important national work, therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be again requested to use all honorable means in obtaining appropriations of money by the general government to accomplish the object expressed in the foregoing preamble; and that the Governor of this State be requested to forward copies of the foregoing preamble and his resolution to the governors of the several States and to our Senators and Representatives in Congress, at the present session; and if not then acted upon by Congress, to each of our Senators and Representatives as aforesaid, at the commencement of the first session of the next Congress.

Approved March 3, 1851.

RESOLUTIONS.

[No. 6.]

JOINT RESOLUTIONS relative to moneys advanced by the State of Michigan, in behalf of the United States, and for the amount paid by the State for expenses incurred whilst a territory, in maintaining our territorial boundary.

Whereas, The State of Michigan, in behalf of the government of the United States, expended in fitting out the first regiment of Michigan volunteer infantry, in pursuance of a requisition made by the war department upon the Executive of this State, money now amounting to over seventeen thousand dollars; and

Whereas, The State has paid a large amount for expenses incurred whilst a territory, in maintaining our territorial boundary, as established by Congress, before its alteration by that body, in the act providing for our admission as a State; and

Whereas, The amount so paid and interest thereon, would certainly seem to be an equitable and just claim against the Federal treasury; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to use their influence to procure the passage of an act or joint resolution, by Congress, authorizing or requiring the proper officer of the treasury department to allow and pay to the State such money, expended as aforesaid.

And it is further resolved, That our Senators and Representatives in Congress be and they are hereby also requested to obtain, if possible, the submission to some proper officer or tribunal, of the claim of the State, for allowance for expenses incurred in maintaining our territorial boundary whilst a territory, under the protection of the United States as aforesaid.

Resolved, That the Executive be and he is hereby requested to cause copies of the foregoing preamble and resolutions to be furnished to each of our Senators and Representatives in Congress, at the present session; and if not then acted upon by Congress, to each of our Senators and Representatives as aforesaid, at the commencement of the first session of the next Congress.

Approved March 3, 1851.

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[No. 7.]

JOINT RESOLUTION for the relief of Gardner Kellogg, M. S.
Kellogg and Nelson H. Chittenden.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office be and he is hereby authorized to cancel and discharge a certain bond executed by Gardner Kellogg, M. S. Kellogg and Nelson H. Chittenden, and given to secure the payment of the principal and interest upon the purchase money upon the east half of the south west quarter of section sixteen, in township eight north of range seven east, being primary school land sold to the said Gardner Kellogg on the ninth day of March, 1844.

This joint resolution shall take effect immediately.

Approved March 24, 1851.

[No. 8.]

JOINT RESOLUTION authorizing the Auditor General to draw and deliver to John Snow a land warrant in place of certain warrants which have been lost.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and required to deliver to John Snow a land warrant for internal improvement lands for the amount of one hundred dollars, in the place of three warrants which have been lost, amounting in all to the one hundred dollars aforesaid: *Provided,* That the said John Snow shall furnish proof, satisfactory to the Auditor General, of the loss of said warrants: *And provided further,* That the said John Snow shall give to the State of Michigan a good and sufficient bond, to be approved by the Auditor General, indemnifying the State against the payment of the said warrants heretofore issued and lost.

This joint resolution shall take effect immediately.

Approved April 2, 1851.

RESOLUTIONS.

[No. 9.]

JOINT RESOLUTION relating to certain primary school lands.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and directed to restore to Francis Finnegan all the rights which have become forfeited in consequence of non-payment of interest on primary school lands in the township of Roy-alton, Berrien county, certificates numbered nineteen hundred and fifty-seven, and twenty hundred and forty-five: *Provided,* The said Finnegan shall, on or before the first day of October next, pay cause to be paid to the said Commissioner all arrearages of principal and interest and penalties accruing on said land in consequence of neglect to pay the interest as prescribed by law.

This resolution shall take effect immediately.

Approved April 4, 1851.

[No. 10.]

JOINT RESOLUTION authorizing the Auditor General to draw certain warrants in place of warrants which have been lost, upon proof of such loss.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and required to draw two warrants upon the internal improvement fund, to correspond in every respect with warrants numbered eight thousand three hundred and thirty-four and eight thousand and thirty-five, issued by the Auditor General, and deliver the same to A. and E. S. Higgins, of the city of New York, upon satisfactory proof to the Auditor General of the loss of said warrants: *And provided* Said A. and E. S. Higgins, or some other persons on their behalf, shall first give to the State of Michigan a good and sufficient bond, to be approved by the Auditor General, indemnifying the State against the payment of the said warrants heretofore issued: *And provided* Said warrants or either of them shall not have been paid.

This joint resolution shall take effect immediately.

Approved April 4, 1851.

[No. 11.]

JOINT RESOLUTION to authorize the Auditor General to correct the charge for the two and one-half mill tax against the county of Lenawee, for the year eighteen hundred and fifty.

Whereas, It is claimed that an excess of eleven hundred and seven dollars and seventy-eight cents, of two and one-half mill tax, has been charged against the county of Lenawee on the books of the Auditor General, in consequence of an error in the statement of real and personal property returned to the said Auditor General, for the year eighteen hundred and fifty; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be authorized to correct such charge, on being furnished with satisfactory evidence of the facts above mentioned, by a correct statement of the aggregate amount of the real and personal property of said county, as equalized by the board of supervisors for the year eighteen hundred and fifty, or otherwise, as he may require.

Approved April 4, 1851.

[No. 12.]

JOINT RESOLUTION relative to enrolled bills and resolutions which may not be reported before the final adjournment of the legislature.

Resolved by the Senate and House of Representatives of the State of Michigan, That it shall be competent and it shall be the duty of the presiding officer of each House, with the aid and assistance of the secretary, Clerk, and enrolling Clerks of each House, to cause to be enrolled, signed and transmitted to the Governor, any bills or resolutions which may have been passed [by] both houses and remain not enrolled and reported at the hour of the final adjournment of the legislature: *Provided*, Such bills or resolutions shall be so transmitted within two days after such adjournment, and a statement thereof shall be entered in the journal of the proper House.

This resolution shall take effect immediately.

Approved April 5, 1851.

[No. 13.]

JOINT RESOLUTION relative to the interest account between the State of Michigan and certain counties thereof.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General of this State be and he is hereby directed to cause a recomputation of the interest account to be made between the State and those counties which return or have returned heretofore an excess of delinquent taxes over and above their State tax, from the first day of July, in the year eighteen hundred and forty-three, to the first day of July, in the year eighteen hundred and fifty; and that the said Auditor General do cause to be credited to said counties, the difference between the sum total of interest due said counties upon the balance annually struck in their favor upon the basis of ten per cent, and the sum total of such interest upon the basis of seven per cent, as shown by such recomputation.

Approved April 7, 1851.

[No. 14.]

JOINT RESOLUTION relative to printing the revised constitution in the Dutch language.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and is hereby instructed to cause the constitution of this State to be translated into the Dutch language, and 1,000 copies thereof in pamphlet form to be published, one page in Dutch and one page in English, and distributed among the Dutch portion of our population now seeking protection under the organic law of our State.

Approved April 7, 1851.

[No. 15.]

JOINT RESOLUTION relative to the Ottawa and Chippewa Indians.

Whereas, The constitution of the State of Michigan gives unto all civilized persons of Indian descent equal rights and privilege with the white inhabitants of said State;

And Whereas, By the adoption of said clause in the constitution, the people of this State have evinced a just and humane desire to see the Indians who now inhabit Michigan, raised from a state of semi-barbarism to one of enlightenment, and have by it removed one great barrier that has hitherto prevented the consummation of this philanthropic object;

And Whereas, The Ottawa and Chippewa Indians, residing amongst us, are a civil, well disposed, peaceable and orderly people, and have, during the few past years, made great advancement in the agricultural and mechanical arts, and a large portion of them ardently desire to remain in Michigan, to become civilized, and share with us in our social, political and religious privileges; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That we do hereby request the government of the United States to make such arrangements for said Indians as they may desire, for their permanent location in the northern part of this State, under such provisions in regard to schools, churches, agricultural and mechanical arts, as will the best promote their present and future welfare, and adjust all matters of right and equity that may now be in dispute between said Indians and said government, in a spirit of just liberality.

Resolved further, That the Governor be and he is hereby requested to forward a copy of the foregoing preamble and joint resolution to the President of the United States, to the Hon. the Secretary of the Home Department, to the Hon. the Commissioner of Indian Affairs, and to each of our Senators and Representatives in Congress.

This joint resolution shall take effect immediately.

Approved April 7, 1851.

[No. 16.]

JOINT RESOLUTION relative to the distribution of the session laws, journals and documents of the Legislature, for the year eighteen hundred and fifty-one.

Resolved by the Senate and House of Representatives of the State of Michigan, That the officers and members of the present Legislature be and they are hereby entitled each to one copy of the session



laws passed in the year eighteen hundred and fifty-one, also the journals and documents of the Legislature of said year; and the Secretary of State be and is hereby required to forward one copy of each to the several officers and members of this Legislature, by forwarding the same to the county clerks of the several counties of this State in which the officers or members reside, so soon as the same may be printed, bound and ready for delivery.

Approved April 7, 1851.

[No. 17.]

JOINT RESOLUTION. Preamble and joint resolution relative to costs of a proceeding for the investigation of charges against J. R. Baker.

Whereas, The Governor of the State of Michigan did, in the year eighteen hundred and forty-nine, order and direct that proceedings should be had for the purpose of inquiring into and investigating certain charges made against J. R. Baker, special commissioner appointed by the Governor for the purpose of expending ten thousand acres of land appropriated by the State legislature to improve the navigation of the Paw Paw river;

And Whereas, Such proceedings were had and conducted in the village of Paw Paw, county of Van Buren, under the charge of the prosecuting attorney for said county, many witnesses were summoned on behalf of the people, and other costs and expenses incurred incidental to such examination, all of which it is admitted is a just charge against the State; but as there is no law of this State authorizing the Governor to pay said costs, he declines doing so unless directed by the legislature to pay the same; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State Auditors be and they are hereby authorized and directed to examine and allow the proper costs accruing in said proceeding: *Provided*, Satisfactory evidence is exhibited to them: first, that said proceeding was directed to be had by the governor, in behalf of the people; second, that such proceedings were had; thirdly, that the claimants are justly and equitably entitled to their pay for services rendered the people in the

above named proceedings. And for the amount so found to be justly due said claimants, the auditor general is hereby authorized and required to draw his warrant on the State treasurer in favor of the claimants, or any person duly authorized to receive the same, for the sum so found due, and the State treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

Resolved, That this preamble and joint resolution take effect immediately.

Approved April 7, 1851.

[No. 18.]

JOINT RESOLUTION authorizing the sale of the published laws and documents.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he hereby is authorized to sell, in his discretion, such extra copies of the published laws, journals and documents of the legislature, and journals and debates of the Convention, deposited in his office, as will not be required for distribution, at a fair price, not less than the actual cost thereof; and he shall account for the same to the board of State Auditors, and pay the money received therefor into the State treasury.

This joint resolution shall take effect immediately.

Approved April 8, 1851.

Secretary of State to publish notice. ber next, and every second year thereafter, to cause to be published in some newspaper published at the seat of government, and such other newspapers published in this State as he shall deem necessary and proper, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding the laws, journals and documents, all blanks, paper and printing for the executive departments, and all other printing ordered by the Legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for receiving such proposals.

Specification.

Sec. 2. Said notice shall specify the kind and quality of the articles, and the time when the same shall be delivered, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice.

Printing & binding.

Sec. 3. The printing and binding of the laws, journals and documents to be in a style and manner equal to the printing and binding for the State in the year eighteen hundred and forty-seven, and be completed in a reasonable length of time, to be specified in the contract for the same.

Duty of board of State auditors.

Sec. 4. At the time and place specified in said notice, it shall be the duty of the board of State Auditors to meet, and then and there proceed to open and examine all proposals received by the Secretary of State pursuant to such notice, and immediately enter into written contract or contracts, to commence on the first day of January then next, with the person or persons whose propositions are the lowest, and who shall execute bonds to the people of the State of Michigan, jointly and severally, with good and sufficient sureties, in such penal sums as the said board of State Auditors shall require, for the faithful performance of such contract.

Demands against State; how audited and paid.

Sec. 5. All demands against the State arising under such contracts, from time to time, shall be audited by the board of State Auditors; but no charge for constructive labor shall in any case be allowed. The Auditor General shall draw his warrant on the State Treasurer for all sums so audited and allowed, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

Sec. 6. In case any such contractor shall fail to perform his contract, it shall be the duty of the said board of State Auditors to cause

the objects of such contract to be accomplished in any way by them deemed advisable for the best interest of the State; and it shall be the duty of the Attorney General forthwith to prosecute the bonds of such delinquent contractor.

Duties of
Attorney
General in
case of non-
fulfillment
of contract.

Sec. 7. This act shall take effect immediately.

Approved June 24, 1851.

[No. 164.]

AN ACT to divide the State into Congressional Districts.

Section 1. *The People of the State of Michigan enact*, That this State shall be divided into four Congressional districts, pursuant to a ratio of population fixed by an act of Congress under the seventh census of the United States, for apportioning anew the representatives among the several States, and each district shall be entitled to elect one representative, which shall be constituted as follows, to wit:

Apportion-
ment; con-
gressional
districts.

1. The first district shall consist of the counties of Wayne, Washenaw, Jackson and Livingston.

2. The second district shall consist of the counties of Monroe, Lenawee, Hillsdale, Branch, St. Joseph and Cass.

3. The third district shall consist of the counties of Berrien, Van Buren, Kalamazoo, Calhoun, Eaton, Barry, Allegan, Ottawa, Kent, Ionia, Clinton, Gratiot, Lake, Mason, Montcalm, Newaygo and Oceana.

4. The fourth district shall consist of the counties of Oakland, Macomb, St. Clair, Sanilac, Huron, Lapeer, Ingham, Genesee, Shiawassee, Saginaw, Tuscola, Midland, Schoolcraft, Ontonagon, Mackinaw, Houghton, Chippewa, and all the unorganized counties not included in the third district.

Approved June 26, 1851.

[No. 165.]

AN ACT to amend section twenty-one of "an act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April 8, 1851.

Section 1. *The People of the State of Michigan enact*, That sec-

LAWS OF MICHIGAN,

PASSED AT THE EXTRA SESSION, JUNE, 1851.

[No. 158.]

AN ACT to provide for the payment of the members and officers of the extra session of the Legislature.

Section 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding ten thousand dollars, for the payment of the members and officers of the extra session of the Legislature. Appropriation.

Sec. 2. The compensation of the president and members of the Senate, and of the speaker and other members of the House of Representatives, shall be three dollars per day for actual attendance, and when absent on account of sickness, for the first twenty days of the session, and nothing thereafter, and ten cents for every mile actually travelled in going to and returning from the place of meeting, on the usually traveled route. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the secretary, engrossing and enrolling clerks and sergeant-at-arms of the Senate, and the clerk, engrossing and enrolling clerks and sergeant-at-arms of the House of Representatives, and of reporters of either House, and of the clerks employed with the consent of either Senate or House of Representatives by any of the standing or special committees of either of said Houses, shall be three dollars per day for Compensation of officers and members of Senate and House of Representatives.

actual attendance during the session; and to the secretary, engrossing and enrolling clerk and sergeant-at-arms of the Senate, and the clerk, engrossing and enrolling clerk and sergeant-at-arms of the House of Representatives, ten cents for every mile actually travelled in going to and returning from the place of meeting on the usually travelled route. The compensation of the firemen of the Senate and of the House of Representatives, shall be two dollars per day for actual attendance during the session. The compensation of the messengers of the Senate and House of Representatives, shall be one dollar per day for actual attendance during the session.

Pay of
clerks, &c. Sec. 3. Such sums as may be due to the secretary of the Senate and clerk of the House, shall be certified by the presiding officers of the respective Houses, and countersigned by the Auditor General; such sums as may be due the president of the Senate and speaker of the House of Representatives, shall be certified by the clerk or
How certi-
fied. secretary of the respective Houses, and countersigned by the Auditor General; and such sums as may be due the members and other officers of either House, shall be certified by the secretary or clerk, and countersigned by the presiding officers of the respective Houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in the preceding section, is hereby
How paid. authorized and directed to pay the same.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved June 17, 1851.

[No. 159.]

AN ACT prescribing the manner of filling vacancies in certain State Offices.

Vacancies;
how filled. Section 1. *The People of the State of Michigan enact, That when-* ever, from any cause, there shall be a vacancy in the office of Auditor General, Attorney General, Secretary of State or State Treasurer, Superintendent of Public Instruction or Commissioner of the State Land office, the Governor shall have power to appoint some suitable person to fill such vacancy, and the person so appointed shall take the same oath of office, and give a bond in the same man-

ner as provided by law for the officer for whose vacancy he shall be so appointed; and such person shall hold such office (unless sooner removed by competent authority) until his successor shall be elected and qualified under the constitution of this State, or until the close of the next session of the Legislature.

Sec. 2. This act shall take effect and be in force immediately.

Approved June 23, 1851.

[No. 160.]

AN ACT to provide for the payment of the accruing indebtedness of the State.

Section 1. *The People of the State of Michigan enact*, That the sum of one hundred and six thousand dollars, in the year eighteen hundred and fifty-one, and the sum of one hundred and ten thousand dollars, in the year eighteen hundred and fifty-two, be raised and collected upon the taxable property of the State; and the same is hereby appropriated for the payment of the expenses of the State government, and the interest upon the State debt, not otherwise provided for by the application of specific taxes.

Appropriation for payment of expenses of State and interest of State debt.

Sec. 2. The Auditor General shall, as soon after the equalization of the taxable property of the State by the State board, as is practicable, apportion in each year the sums herein provided to be raised, among the several counties, in proportion to the valuation of the taxable property therein, according to its value, as determined and fixed by the State board; and he shall, on or before the fifteenth of September in each year, make out and transmit to the clerks of the several boards of supervisors, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Apportionment

Sec. 3. The board of supervisors shall, at their annual session in each year, ascertain and determine the amount of money to be raised by tax for county purposes in their respective counties, and apportion such amount, and also the amount of State tax apportioned to their respective counties by the Auditor General, among the several townships of the county, in proportion to the valuation of the taxable property therein, as equalized by the board of supervisors for said

Duty of board of supervisors.

year; which determination and apportionment shall be entered at large on their records.

Appropriation; to what fund chargeable.
 Sec. 4. Upon the collection and payment of said sum of one hundred and six thousand dollars into the State treasury, provided herein to be raised for the year eighteen hundred and fifty-one, there shall be paid in and charged to the general fund the sum of seventy-four thousand dollars; to the internal improvement fund, twenty-nine thousand dollars; and to the contingent fund, three thousand dollars.

Sec. 5. Upon the collection and payment of said sum of one hundred and ten thousand dollars, provided herein to be raised for the year eighteen hundred and fifty-two, there shall be paid in and charged to the general fund, the sum of thirty-two thousand dollars; to the internal improvement fund, seventy-five thousand dollars; and to the contingent fund, three thousand dollars.

Sec. 6. This act shall take effect immediately.

Approved June 23, 1851.

[No. 161.]

AN ACT to amend section one of an act, entitled "an act to provide for publishing the reports of State officers, for the year 1852 and every second year thereafter," approved April 8, 1851.

Sec. 1 of act No. 154 of 1851 amended.
 Section 1. *The People of the State of Michigan enact, That section one of an act, entitled "an act to provide for publishing the reports of State officers for the year eighteen hundred and fifty-two and every second year thereafter," approved April eighth, eighteen hundred and fifty-one, be amended so as to read as follows:*

Reports of State officers.
"Section 1. The People of the State of Michigan enact, That the reports of all State officers and boards of officers, from whom annual reports are required by law to be made to the Legislature, shall for the year eighteen hundred and fifty-one, and every second year thereafter, report to the Governor of this State, at the time now required by law, who shall immediately deposit the same in the office of the Secretary of State; and the Secretary shall cause a sufficient number of copies of each of said reports to be printed by the person who is under contract to do the State printing for the time being, in the usual form, to furnish each township in the State one copy for the

LAWS OF MICHIGAN.

use of the library thereof; also, one copy of each, for each county Clerk and county Treasurer, and ten copies of such reports to each city, for the use of the city library; and also, one hundred and fifty copies of each, which shall be placed in the State library. In addition to the above, to furnish one copy of the annual report of the Superintendent of Public Instruction to each school district in the State, which shall be deposited in the library of said district or kept by the director thereof, for the use of said district; and five hundred copies of each, which shall be preserved for binding in the joint documents of the next succeeding Legislature, and one hundred copies for the use of the officers making such reports.

Sec. 2. That the title of the act above recited be so amended to read as follows, to wit: "An act to provide for publishing the reports of State officers for the year eighteen hundred and fifty-one and every second year thereafter."

Approved June 23, 1851.

[No. 162.]

AN ACT to provide for the publication of Legal Notices.

Section 1. *The People of the State of Michigan enact*, That all notices now required by law to be published in the State paper, shall hereafter be published in the "Michigan State Journal;" but if the publishers of said paper shall refuse to publish such notices, or if the said paper shall be discontinued, or the name thereof changed, it shall be lawful to have such notices published in any other weekly newspaper published at the seat of government.

Approved June 24, 1851.

[No. 163.]

AN ACT to provide for letting to contract the furnishing of Fuel and Stationery for the use of the State, and also the State Printing and Binding.

Section 1. *The People of the State of Michigan enact*, That it shall be the duty of the Secretary of State, on the first Monday of Octo-

Secretary of State to publish notice. ber next, and every second year thereafter, to cause to be published in some newspaper published at the seat of government, and such other newspapers published in this State as he shall deem necessary and proper, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding the laws, journals and documents, all blanks, paper and printing for the executive departments, and all other printing ordered by the Legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for receiving such proposals.

Specification.

Sec. 2. Said notice shall specify the kind and quality of the articles, and the time when the same shall be delivered, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice.

Printing & binding.

Sec. 3. The printing and binding of the laws, journals and documents to be in a style and manner equal to the printing and binding for the State in the year eighteen hundred and forty-seven, and be completed in a reasonable length of time, to be specified in the contract for the same.

Duty of board of State auditors.

Sec. 4 At the time and place specified in said notice, it shall be the duty of the board of State Auditors to meet, and then and there proceed to open and examine all proposals received by the Secretary of State pursuant to such notice, and immediately enter into written contract or contracts, to commence on the first day of January then next, with the person or persons whose propositions are the lowest, and who shall execute bonds to the people of the State of Michigan, jointly and severally, with good and sufficient sureties, in such penal sums as the said board of State Auditors shall require, for the faithful performance of such contract.

Demands against State; how audited and paid.

Sec. 5. All demands against the State arising under such contracts, from time to time, shall be audited by the board of State Auditors; but no charge for constructive labor shall in any case be allowed. The Auditor General shall draw his warrant on the State Treasurer for all sums so audited and allowed, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

Sec. 6. In case any such contractor shall fail to perform his contract, it shall be the duty of the said board of State Auditors to cause

the objects of such contract to be accomplished in any way by them deemed advisable for the best interest of the State; and it shall be the duty of the Attorney General forthwith to prosecute the bonds of such delinquent contractor.

*Duties of
Attorney
General in
case of non-
fulfillment
of contract.*

Sec. 7. This act shall take effect immediately.

Approved June 24, 1851.

[No. 164.]

AN ACT to divide the State into Congressional Districts.

Section 1. *The People of the State of Michigan enact*, That this State shall be divided into four Congressional districts, pursuant to a ratio of population fixed by an act of Congress under the seventh census of the United States, for apportioning anew the representatives among the several States, and each district shall be entitled to elect one representative, which shall be constituted as follows, to wit:

*Apportion-
ment; con-
gressional
districts.*

1. The first district shall consist of the counties of Wayne, Washenaw, Jackson and Livingston.

2. The second district shall consist of the counties of Monroe, Lenawee, Hillsdale, Branch, St. Joseph and Cass.

3. The third district shall consist of the counties of Berrien, Van Buren, Kalamazoo, Calhoun, Eaton, Barry, Allegan, Ottawa, Kent, Ionia, Clinton, Gratiot, Lake, Mason, Montcalm, Newaygo and Oceana.

4. The fourth district shall consist of the counties of Oakland, Macomb, St. Clair, Sanilac, Huron, Lapeer, Ingham, Genesee, Shiawassee, Saginaw, Tuscola, Midland, Schoolcraft, Ontonagon, Mackinaw, Houghton, Chippewa, and all the unorganized counties not included in the third district.

Approved June 26, 1851.

[No. 165.]

AN ACT to amend section twenty-one of "an act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April 8, 1851.

Section 1. *The People of the State of Michigan enact*, That sec-

Sec. 21 of
act No. 150
of 1851
amended.

tion twenty-one of an act entitled "an act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April 8, 1851, be amended so as to read as follows:

Powers of
board of su-
pervisors.

"Sec. 21. Every such Board of Supervisors shall have power, within their respective counties, to permit or prohibit the construction of any dam or bridge, over or across any navigable stream. They shall also have power to provide for the removal of any obstruction arising from the erection of booms, or collecting of logs or rafts in such streams by any individual, and to direct the time in which, and places where, persons having logs, rafts and boats in such streams shall be allowed to remain, and when the same shall be removed; and may impose such penalties as they deem necessary to enforce such regulations, and authorize the Sheriffs or their deputies, to carry into effect the regulations made under the provisions of this act."

Sec. 2. This act shall take effect immediately.

Approved June 21, 1851.

[No. 166.]

AN ACT to amend section three of an act to provide for the trial of civil causes in the circuit court by jury, approved March 28, 1850.

Sec. 3 of act
No. 123 of
1850 amen-
ded.

Section 1. *The People of the State of Michigan enact*, That section three of "an act to provide for the trial of civil causes in the circuit court by jury," approved March twenty-eighth, eighteen hundred and fifty, be and the same is hereby amended by inserting in line one of said section, after the word "court," the following: "or either of them, or either of the several circuit judges in the respective circuits of this State;" and after the word "person," in third line, insert the word "heretofore;" and after the word "offence," in the fourth line, insert "heretofore;" and in the same line insert after "justices" the words "or judges;" so that said section when amended shall read as follows:

Powers of
justices of
supreme
court.

"Sec. 3. The justices of the supreme court, or either of them, or either of the several circuit judges in the respective circuits of this State, are hereby authorized and empowered to pronounce judgment

gainst and pass sentence upon all persons heretofore convicted, or that may hereafter be convicted in any court held by said justices or judges, or either of them, for any offence heretofore committed or that may hereafter be committed against the laws of this State: *Provided*, That such sentence shall in no case or respect be greater Proviso. than the penalty now, or that may be prescribed hereafter by law."

Sec. 2. This act shall take effect immediately.

Approved June 26, 1851.

[No. 167.]

AN ACT to apportion anew the Representatives among the several Counties and Districts of this State.

Section 1. *The People of the State of Michigan enact*, That the House of Representatives shall hereafter be composed of members Ratio of representation. elected agreeably to a ratio of one representative for every six thousand and two hundred white persons and civilized persons of Indian descent, not members of any tribe, in each organized county, and one representative for a fraction equal to a moiety of said ratio, and not included therein, that is to say: within the county of Wayne, seven; within the counties of Oakland and Washtenaw, five each; within the county of Lenawee, four; within the counties of Calhoun, Jackson, Hillsdale and Macomb, three each; within the counties of Berrien, Branch, Cass, Genesee, Kalamazoo, Kent, Livingston, Monroe, St. Joseph and St. Clair, two each; within the counties of Allegan, Barry, Eaton, Ingham, Ionia, Lapeer, Ottawa, Shiawassee, Van Buren, Saginaw, Mackinac and Tuscola, one each; the counties of Clinton and Gratiot shall compose a representative district and be entitled to one representative, and the election returns of which said district shall be made to the county seat of Clinton; the counties of Sanilac and Huron shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Sanilac; the counties of Midland, Gladwin and Arenac shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Midland; the counties of Montcalm, Isabella, Mecosta, Osceola and Clare shall

compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Montcalm; the counties of Newaygo, Oceana, Lake, Mason, Manistee, Grand Traverse, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Algona, Oscoda, Crawford, Kalamazoo, Omeena, Leelanaw, Antrim, Otsego, Montmorency, Alpena, Presque Isle, Wyandot, Charlevoix, Emmet, Cheboygan, shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Newaygo; the counties of Chippewa, Marquette, Schoolcraft and Delta shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Chippewa; the counties of Houghton and Ontonagon shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Houghton.

Approved June 26, 1851.

[No. 168.]

AN ACT making appropriations for the salaries of State officers for the years eighteen hundred and fifty-one and eighteen hundred and fifty-two.

Salaries of
Governor,
Judges,
State officers,
deputies and
clerks, for
1851.

Section 1. *The People of the State of Michigan enact, That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and fifty-one: for the salaries of the Governor and Associate Judges of the Supreme Court, fifteen hundred dollars each; for the salary of the Chief Justice of the Supreme Court, sixteen hundred dollars; for the salaries of the Auditor General, State Treasurer and Commissioner of the State Land Office, one thousand dollars each; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, including his actual necessary expenses, eight hundred dollars; for the salary of the Superintendent of Public Instruction, eight hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary*

of the Quartermaster General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven hundred dollars each; for the salary of the Deputy Secretary of State, six hundred dollars; for the salary of the Deputy Commissioner of the State Land Office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the book-keeper of the State Land Office, five hundred dollars; to the Private Secretary of the Governor, the sum of three dollars per day during the last and present session of the Legislature, and that the same traveling fees for the present session be allowed him as allowed the members of the Legislature, to be paid on the certificate of the Governor; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salary of all other clerks employed by the Auditor General, a sum at the rate of four hundred and seventy-five dollars a year each; that there be appropriated to the Lieutenant Governor such additional amount as may be awarded to him by the Board of State Auditors, under the constitution and laws, for his compensation during the last and present session of the Legislature, not already paid him.

Sec. 2. That there be and the same is hereby appropriated out of ^{Ibid for 1892.} any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of State officers for the year eighteen hundred and fifty-two: for the salary of the Governor, one thousand dollars; for the salaries of the Judges of the Circuit Court, fifteen hundred dollars each; for the salary of the District Judge of the upper peninsula, one thousand dollars; for the salary of the District Attorney of the upper peninsula, seven hundred dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars; for the salary of the Commissioner of the State Land Office, one thousand dollars; for the salary of the Superintendent of Public Instruction, eight hundred dollars; for the salary of the Attorney General, including his actual necessary expenses, eight hundred dollars; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quartermaster General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven hundred dollars each;

for the salaries of the two regular clerks of the Auditor General, five hundred dollars each; for the salary of the Deputy Commissioner of the State Land Office, six hundred dollars; for the salary of the book-keeper of the State Land Office, five hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the Deputy Secretary of State, six hundred dollars; for the salaries of all the other clerks employed by the Auditor General, at the rate of four hundred and seventy-five dollars a year each.

Sec. 3. This act shall take effect immediately.

Approved June 27, 1851.

[No. 169.]

AN ACT to provide for the disposal of certain Justices' Dockets in the county of Kent.

Section 1. *The People of the State of Michigan enact*, That the Justices of the peace of the town of Grand Rapids, residing in that portion of said town which was included within the limits of the city of Grand Rapids, by an act to incorporate the said city, approved April 2d, 1850, and holding office at the time of the incorporation of said city, be, and the same persons are hereby authorized to execute the judgments entered in the dockets of said Justices, and in the dockets previously transferred to said Justices, in pursuance of the provisions of law, and to do all other acts necessary in due execution of the law for the full and final satisfaction of the said judgments: *Provided*, That this act shall not be construed to authorize the said Justices to have jurisdiction of actions hereafter brought upon the judgments aforesaid.

Sec. 2. This act shall take effect immediately.

Approved June 27, 1851.

[No. 170.]

AN ACT to provide for the removal of causes remaining in the court of chancery.

Section 1. *The People of the State of Michigan enact*, That all causes commenced and disposed of or undisposed of in the last

chancery in this State be, on the first day of January, in the Causes in
 ar one thousand eight hundred and fifty-two, transferred to the chancery
 tuit courts of the counties where the sessions of the said chancery transferred
 art were formerly held. to circuit
 courts.

Sec. 2. That for the purposes of said transfer, the registers of the Duty of
 art of chancery are hereby directed, on or before the said first day registers in
 f January, to deliver all records, files, books, papers and every other chancery.
 ing appertaining to said court, to the several clerks of the counties
 foresaid.

Sec. 3. That jurisdiction over such cases, as full as that now ex- Jurisdiction.
 rised by the said court of chancery, shall be, on and after the said
 rst day of January, conferred upon the said several circuit courts.

Approved June 27, 1851.

[No. 171.]

N ACT to provide for the discharge of the duties heretofore per-
 formed by Injunction Masters.

Section 1. *The People of the State of Michigan enact*, That the Circuit
 idges of the several Circuit Courts shall, in the month of January court com-
 xt, designate a Circuit Court Commissioner in each county within missioner
 air respective circuits, which Circuit Court Commissioner shall be to discharge
 uthorized and empowered to do and perform within their respective duties of in-
 unties, all the duties heretofore performed by Injunction Masters. junction
 nder such restrictions and regulations as the Supreme Court may masters.
 rescribe.

Sec. 2. It shall be the duty of the Supreme Court, at its first ses- Supreme
 ion in January next, to define and prescribe the duties and powers court to pre-
 f Circuit Court Commissioners under this act, and cause the same, scribe du-
 t, together with the names of the Commissioners, designated as above ties of cir-
 rovided, to be published in some newspaper in the city of Detroit, cuit court
 nd the name of each Circuit Court Commissioner designated, to be commis-
 ublished in a newspaper in the proper county. sioner, &c.

Sec. 3. Each Judge shall have the power to change such designa- Judge may
 on of a Circuit Court Commissioner for the purposes aforesaid, and change de-
 designate another in his stead, and to make a new designation signation of
 whenever the term of office of any Commissioner may expire or the circ't court
 commissioner.

office become vacant, which designation shall be published as aforesaid.

Sec. 4. This act shall take effect on the first Monday of January next.

Approved June 27, 1851.

[No. 172.]

AN ACT to amend sections three, fourteen and fifteen of chapter fifteen of the revised statutes of 1846, in relation to vacancies in office.

Sec. 3 of
chapter 15
of revised
statutes of
1846 amended.

Section 1. *The People of the State of Michigan enact, That section three of chapter fifteen of the revised statutes of 1846 be and the same is hereby amended so that the same shall read as follows:*

“Vacancies.

What
events to
create vacancy.

“Sec. 3. Every office shall become vacant, on the happening of either of the following events, before the expiration of the term of such office:

“1. the death of the incumbent:

“2. His resignation:

“3. His removal from office:

“4. His ceasing to be an inhabitant of this State; or, if the office be local, of the district, county, township, city or village, for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged:

“5. His conviction of any infamous crime, or of any offence involving a violation of his oath of office:

“6. The decision of a competent tribunal, declaring void his election or appointment; or

“7. His refusal or neglect to take his oath of office, or to give or renew any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided, That the supervisor of any township, in which the office of a township treasurer or justice of the peace may become vacated by operation of this act, shall immediately transmit to the County Clerk of the county in which such township treasurer or justice of the peace resides, a notice in writing, officially signed by him, informing the county Clerk*

that the office of such township treasurer or justice of the peace is vacated."

Sec. 2. Section fifteen of chapter fifteen of the revised statutes of 1846 shall be and the same is hereby amended so that the same shall read as follows:

"Sec. 15. When at any time there shall be in either of the offices of county clerk or prosecuting attorney, no officer duly authorized to execute the duties thereof, the judge of the circuit court of the circuit in which the county where such vacancy exists, shall be situated, may appoint some suitable person to perform the duties of either of said officers for the time being; and when at any time there shall be in either of the offices of sheriff, coroner, register of deeds, or county surveyor, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the county clerk and prosecuting attorney of the county to perform the duties of either of said offices for the time being."

Sec. 15, chapter 15, revised statutes of 1846 amended.

When judges may fill vacancies.

When Co. clerk and prosecuting attorney may fill vacancies.

Sec. 3. Section fourteen of chapter 15 of the revised statutes of 1846 shall be and the same is hereby amended so as to read as follows:

"Sec. 14. When, during the recess of the Legislature, there shall be in either of the offices to be appointed by the Governor alone, or by the Governor, by and with the advice and consent of the Senate, or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, no officer duly authorized to execute the duties thereof, some suitable person may be selected and appointed by the Governor to perform the duties of either of said officers for the time being; and when, during the recess of the Legislature, the term of office of any officer appointed by the Governor alone, or by the Governor with the advice and consent of the Senate, or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, shall expire, the Governor shall have power to appoint some suitable person to such office, and such person shall hold such office, unless sooner removed by competent authority, until the close of the next session of the Legislature, or until his successor is appointed or elected and qualified."

Sec. 14, chapter 15, revised statutes of 1846 amended.

Governor may fill certain vacancies during recess of Legislature.

Sec. 4. This act shall take effect and be in force immediately.

Approved June 27, 1851.

[No. 173.]

AN ACT to organize the Townships of Newaygo and Brooks, in the County of Newaygo.

Section 1. *The People of the State of Michigan enact, That all that* Township of Newaygo organized. *part of the county of Newaygo designated in the United States survey as townships eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range number eleven west, also the east half of townships eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range twelve west, be and the same is hereby organized into a township by the name of Newaygo, and the first township meeting shall be held at the house formerly occupied by John F. Stearns, near the forks of the Muskegon river.*

Sec. 2. *That all that part of said county designated in the United States survey as townships eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range thirteen and fourteen west, also the west half of townships number eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range twelve west, be and the same is hereby* Township of Brooks organized. *organized into a township by the name of Brooks, and the first township meeting shall be held at the county seat, at the house of John A. Brooks.*

Sec. 3. This act shall take effect immediately.

Approved June 27, 1851.

[No. 174.]

AN ACT to amend an act entitled "an act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, in relation to appeals," approved March sixteenth, eighteen hundred and forty-nine.

Section 1. *The People of the State of Michigan enact, That section one hundred and fifty-nine, as printed in the second section of the act entitled "an act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, in relation to appeals," approved March sixteenth, eighteen hundred and forty-nine, be amended by adding to the end of said section the following words:* Sec. 159 of act No. 101 of 1849 amended. *"And no appeal shall be dismissed on the ground of a defective affidavit, or because the same does not conform to the provisions of section one hundred and forty-one of the act which is amended hereby:*

LAWS OF MICHIGAN.

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Provided, The appellant, his agent or attorney, shall make a new affidavit, which shall conform to the provisions of said section one hundred and forty-one;" so that said section as amended will read as follows:

"Section 159. In all cases of appeal brought into the county court, if the appeal be not dismissed, and there be an issue of law ^{Cases of appeal; how tried.} made in the cause, it shall be tried by the court; if an issue of fact, it shall, on demand of either party, be tried by a jury; but if no jury be demanded by either party, the issue shall be tried by the court; and no appeal shall be dismissed on the ground of a defective affidavit, or because the same does not conform to the provisions of section one hundred and forty-one of the act which is amended hereby: *Provided*, The appellant, his agent or attorney, shall make ^{Provided,} a new affidavit, which shall conform to the provisions of said section one hundred and forty-one: *Provided*, This act shall not affect in ^{Provided,} any way any cause now pending on appeal."

Sec. 2. This act shall take effect immediately.

Approved June 27, 1851.

[No. 175.]

AN ACT to provide for holding general and special elections.

Section 1. *The People of the State of Michigan enact*, That ^{a General election; when held,} general election shall be held in the several townships and wards of this State on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and fifty-two, and on the Tuesday succeeding the first Monday of November, every second year thereafter, at which there shall be elected so many of the following officers as are to be chosen in such years respectively, that is to say: a Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, Members of the State Board of Education, Electors of President and Vice President of the United States, Representatives in Congress, the Senators and Representatives in the State Legislature, and the following county officers, viz: Judges of Probate, Sheriffs, Clerks, Treasurers, Regis- ^{Officers to be elected.}

ters of Deeds, Prosecuting Attorneys, and such other officers as may by law be required to be elected at such general election: *Provided*, The provisions of this section shall not apply to the election of the Senator and Representatives in the State Legislature, nor to the election of county officers, in that portion of the State denominated the upper peninsula, as described in section one, article nineteen of the revised constitution, and such other territory as may be attached thereto for election purposes. On the first Tuesday of November, eighteen hundred and fifty-one, there shall be elected a Governor and Lieutenant Governor, whose term of office shall commence on the first Monday of January, eighteen hundred and fifty-two, and who shall hold their respective offices until the first day of January, eighteen hundred and fifty-three, and until their successors are elected and qualified; which election shall be conducted in the manner provided by the constitution and laws in force on the thirty-first day of December, eighteen hundred and fifty; and the returns and canvass of votes given thereon shall be proceeded and determined in the same manner herein provided for the same officers to be elected at general biennial elections.

In what cases special elections may be held.

Sec. 2. Special elections may be held in the following cases, and for the election of the following officers, viz:

1. When a vacancy shall occur in the office of Senator or Representative in the State Legislature, Representative in Congress, Judge of the Circuit or District Court, Regent of the University, or member of the State Board of Education;
2. When there has been no choice at a general election of Representative in Congress;
3. When the right of office of a person elected to any of the ~~aforsaid~~ said district or county offices shall cease before the commencement of the term of service for which he shall have been elected;
4. When a vacancy shall occur in either of the said county offices after the commencement of the term of service, and more than six months before the next general election;
5. When, in any other case of a vacancy not particularly provided for in this section, the Governor shall in his discretion so direct.

Sec. 3. A vacancy in either of the offices named in the first section of this act, which shall not have been supplied before a general election, may be supplied at such election.

Sec. 4. No special election shall be held within three months next preceding a general election, except in cases where the Governor shall order a special election. When not to be held.

Sec. 5. Special elections for the choice of the county officers named in section one of this act, shall, except in cases in which a special election is to be ordered by the Governor, be ordered by the board of supervisors. When ordered by board of supervisors.

Sec. 6. Special elections shall be held and continued one day only, and shall be conducted and the result thereof canvassed and certified in all respects, as near as may be, in like manner as general elections, except as otherwise directed. To be held one day only.

Sec. 7. In elections for the choice of all officers named in the first section of this act, the persons having the greatest number of votes shall be deemed to have been duly elected. Who deemed elected.

Sec. 8. Whenever the time fixed by the law of Congress for the election of electors of president and vice president of the United States, shall not occur on the day appointed for holding the general election, such election for electors of president and vice president shall be held on the day so fixed by the law of Congress therefor. Electors of President & Vice President.

Sec. 9. All the provisions of law relating to the notifying and holding of the general elections, and the election of electors of president and vice president thereat, shall apply to every such election held pursuant to the provisions of the preceding section; and the votes given for such electors shall be returned and canvassed, and the result determined in the same manner in all respects, and with the like effect, as in case of the election of such electors at a general election. Provisions of law relating to general elections to apply.

Sec. 10. When a vacancy shall occur in the office of judge of the circuit court, regent of the university, or member of the State board of education, thirty days or more before a general election, the Secretary of State shall, at least twenty days before such election, cause a written notice to be sent to the sheriff of each of the counties within the election district in which such vacancy may occur; which notice shall state in which office the vacancy occurred, and that such vacancy will be supplied at the next general election. Notice of supplying vacancies in certain offices to be given by Secretary of State.

Sec. 11. The Secretary of State shall, between the first day of July and the first day of September preceding a general election, di- Of general elections.

rect and cause to be delivered to the sheriff of each county in this State, a notice in writing that at the next general election, there will be chosen as many of the following officers as are to be elected at such general election, viz: a Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State land office, members of the State board of education, electors of president and vice president of the United States, and a representative in Congress for the district to which each of such counties shall belong.

Of elections
of Senators
and Repre-
sentatives.

Sec. 12. He shall also, between the first day of July and first day of September, preceding such election, direct and cause to be delivered to the sheriff of each county, a notice in writing, stating the number of senators and representatives to be elected in such county, specifying the number of each district, and the limits of such district, when the county alone does not constitute a senatorial or representative district or districts.

Of special
elections.

Sec. 13. Whenever a special election shall be ordered by the Governor to fill any vacancy, the Secretary of State shall immediately notify the sheriff of each of the counties embraced in said election district, of the time of holding such election, the cause of such vacancy, the name of the officer, and the time when his term of office will expire.

Duty of
board of su-
pervisors in
ordering
vacancy to
be filled.

Sec. 14. When the board of supervisors of a county shall order a special election to fill a vacancy in any office, such order shall be in writing and signed by the chairman and clerk of the board, and shall specify how the vacancy occurred, the name of the officer in whose office it occurred; the time when his term of office will expire, and the day on which such special election shall be held, not being more than forty nor less than thirty days from the making of such order; and such clerk shall, without delay, cause a copy of such order to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward of any city in the county.

Duty of
sheriff on
receiving
notice.

Sec. 15. The sheriff, on receiving either of the notices directed in this act to be sent to him, shall forthwith cause a notice in writing to be delivered to the township clerk in each township, and to one of the inspectors of election in each ward in any city of his county, which

notice shall contain in substance the notices so received by such sheriff; but if such county shall be divided into two or more senatorial or representative districts, then such notice, so far as it relates to the election of senators or representatives, shall be delivered to the proper officer in each township or ward in each respective district.

Sec. 16. He shall also give at least twenty days' notice in writing, to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward in any city in his county, of the holding of each general election, for the choice of county officers, designating the officers to be chosen at each and every such election.

Sec. 17. The township clerk or inspector of elections receiving either of the notices directed in this act to be delivered to him, shall by notice in writing, under his hand, give at least ten days' notice to the electors of the township or ward, of the time and place at which such election is to be held, and the officers to be chosen; and if the notice is of a general election, at which a vacancy is to be filled, it shall state the name of the person in whose office the vacancy shall have occurred, and that such vacancy will be supplied at such election; and such township clerk or inspector shall cause such notices to be posted up in at least three of the most public places in the said township or ward.

Sec. 18. At the general election, the supervisor, the justice of the peace, not holding the office of supervisor or town clerk, whose term of office will first expire, and the township clerk of each township, and the assessor and alderman of each ward in a city, or if in any city there be not an assessor in every ward, then the two aldermen of each ward shall be the inspectors of election, two of whom shall constitute a quorum.

Sec. 19. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose, viva voce, such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number; and such electors, so chosen, shall be inspectors of that election during the continuance thereof.

Sec. 20. The township clerk, if present, shall be required by the board to act as a clerk of the election, and before the opening of the

polls, the inspectors in each township shall appoint another competent person to be clerk of the election; and if the township clerk shall not be present, the board shall appoint two such clerks, and the inspectors in each ward in a city shall appoint two competent persons to be such clerks; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer.

At what
time polls to
be opened
and closed.

Sec. 21. The polls of the election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer; but the board may adjourn the polls at twelve o'clock noon, for one hour, in their discretion; but the inspectors shall cause proclamation to be made of the opening and closing of the polls, and of each adjournment.

Chairman
of board.

Sec. 22. When the supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall appoint shall be chairman of the board.

Sec. 23. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, folded, to one of the inspectors, in presence of the board.

Ballot, what
to contain.

Sec. 24. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of all the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended to be chosen; but no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen at the election to fill such office.

Oath to be
tendered to
person chal-
lenged.

Sec. 25. If any person offering to vote shall be challenged as unqualified by any inspector, or any elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector; and if such person shall state that he is a qualified elector, and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote:

1. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you

have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election;" or, ^{Formal oath or affirmation.}

2. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, eighteen hundred and thirty-five, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election;" or,

3. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State on the first day of January, eighteen hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election;" or, ^{Ibid.}

4. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you have resided in this State two years and six months, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election;" or,

5. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a native of the United States, that you are a civilized inhabitant of Indian descent, and not a member of any tribe, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election."

And if such person so challenged will take either of the above oaths, his vote shall be received; but if such person shall therein swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury.

Sec. 26. There shall be provided and kept by the township clerk

Ballot box to be provided. in each township, at the expense of such township, and in each ward in any city, by the assessor thereof, at the expense of the city, one suitable ballot box, with lock and key, which ballot box shall have an opening through the lid, of the proper size to admit a single closed ballot, through which each ballot received shall be inserted.

Box to be examined, locked, &c. Sec. 27. Before opening the poll, the ballot box shall be examined, that nothing may remain in it; and it shall then be locked, and the key thereof delivered to one of the inspectors, to be designated by the board; and the said box shall not be opened during the election, except in the manner and for the purpose hereinafter mentioned.

Ballot, how deposited. Sec. 28. When a ballot shall be received, one of the inspectors, without opening the same, or permitting it to be opened, shall deposit such ballot in the box.

Poll list. Sec. 29. Each of the clerks shall keep a poll list, which shall contain the names of all the electors voting at such election.

Comparing and correcting lists. Sec. 30. At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes; and correct all mistakes that may be discovered, according to the decision of the board, until such poll lists shall be made in all respects to correspond.

Lists, box and key; how kept, &c. Sec. 31. The ballot shall then be opened, and the poll lists placed therein, and the box shall then be locked, and a covering with a seal placed over the opening in the lid of the box, and the key delivered to one of the inspectors and the box to another, to be designated by the board.

Ibid. Sec. 32. The inspector having the key shall keep it in his possession, and deliver it again to the board at the next opening of the poll, and the inspector having the box shall carefully keep it without opening or suffering it to be opened or the seal thereof to be broken or removed, and shall publicly deliver it in that state to the board of inspectors at the next opening of the poll, when the seal shall be broken, and the box opened, the poll lists taken out and the box again locked.

Duty of inspectors to challenge. Sec. 33. It shall be the duty of each inspector to challenge every person offering a vote, whom he shall know or suspect not to be duly qualified as an elector; and the board of inspectors shall possess full authority to maintain regularity and order, and to enforce obedience to

their lawful commands during an election, and during the canvass and estimate of the votes, after the poll is closed.

Sec. 34. If any person shall refuse to obey such lawful commands of the inspectors, or by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, the inspectors may, by an order in writing, commit the person so offending to the common jail of the county, for a period not exceeding twenty days, and may require such order to be executed by any sheriff, deputy sheriff or constable to whom the same shall be directed, or if neither of said officers shall be present, such order may be executed by any other person deputed in writing by the inspectors to execute the same. Penalty for disorderly conduct.

Sec. 35. As soon as the poll of the general election shall be finally closed, the inspectors shall immediately proceed to canvass and ascertain the result of the election, unless they shall deem it necessary to adjourn such canvass to some convenient hour of the next day; if the canvass shall be adjourned, the same course shall be observed in relation to the poll lists, box and key, as is required in sections thirty-one and two of this act, to be observed upon an adjournment of the poll. Canvass of votes.

Sec. 36. The canvass shall be public, and shall commence by a comparison of the poll lists, and a correction of any mistakes that may be found therein, until they shall be found or made to agree. Canvass to be public.

Sec. 37. The box shall then be opened, and the ballots contained therein taken out and counted, by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed, when the number of ballots shall be found not to agree with the poll lists, as provided in the next section. Excess of ballots, how disposed of.

Sec. 38. If the ballots in the box shall be found to exceed in number the whole number of names of electors on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots therefrom, unopened, as shall be equal to such excess.

Sec. 39. The ballots and poll lists agreeing, or being made to agree, the board shall then proceed to canvass and estimate the votes, and they shall draw up a statement of the result, and cause a duplicate thereof to be made, which statement and duplicate shall be cer- Canvass & statement of votes.

tified by the inspectors to be correct, and shall be subscribed their names.

What statement to contain.

Sec. 40. Such statements shall set forth in words at length whole number of votes given for each office, the names of the persons for which such votes for such office were given, and the number of votes so given for each person; and one of said statements forthwith be delivered to the township clerk to be filed and preserved by him in his office, and the other shall be delivered to one of the inspectors who shall be appointed by the board to attend the county canvass.

Ballots; how kept.

Sec. 41. The inspectors shall preserve a true copy of all rejected as defective, with the originals attached, and deliver the same to the township clerk to be filed in his office; and the other ballots they shall seal up and deliver to said clerk, who shall keep the same in his office until the next election, subject only to the direction of the proper authorities, in case of a contested election.

Poll lists to be filed, &c.

Sec. 42. One of the poll lists shall be delivered to the township clerk and the other to the county clerk, which lists shall be filed and preserved by them in their respective offices. In a city, the township clerk and one of such poll lists and statements shall be delivered to the city clerk, and shall be kept and preserved by him.

Who to constitute board of county canvassers, &c.

Sec. 43. The several inspectors appointed by the inspectors of election in townships and wards, to attend the county canvass, shall constitute the board of county canvassers, and shall meet on Tuesday next following the election, before one o'clock in the afternoon, at the office of the county clerk, who shall be secretary of the board; or in his absence his deputy shall be secretary; but if the county shall be divided into two or more senatorial or representative districts, the inspectors of election representing the townships and wards embraced in each of such districts, shall, with the county clerk or his deputy, constitute the board of district canvassers for said districts respectively, so far as the canvass relates to the election of senators and representatives in the State legislature, and several canvasses shall be held immediately after the county canvass.

Sec. 44. If either of the inspectors appointed to attend the county canvass shall be unable to attend such canvass on the day appointed,

He shall on or before that day cause to be delivered at the office of the county clerk the original statement of all votes given in his township or ward, which statements said clerk shall lay before said canvassers.

Statement to be delivered to Co. clerk in certain cases.

Sec. 45. On the day appointed for such canvass, if a majority of the canvassers shall not attend, or if such statement of votes shall not be produced, or if there shall be any material defect in any of such statements received, the canvassers then present shall adjourn the county canvass to some convenient hour of the next day; but the inspectors from the several senatorial or representative districts, if there shall be more than one of such districts in such county, may proceed with their secretary to canvass the votes of their respective districts, as far as it can be done, before the county canvass.

When canvassers may adjourn.

Sec. 46. If all the original statements of the votes given in the several townships and wards shall not be produced on the day appointed for such canvass, or if there shall be any material defect in any of the statements received, the county clerk shall, by a special messenger or otherwise, obtain such original or corrected statements as are not produced or are defective, or certified or corrected copies thereof, in time to be delivered to the board of canvassers at their said adjourned meeting.

When messengers to be sent for statement of votes.

Sec. 47. At the time to which such canvass was adjourned, the canvassers shall again meet; and such of them as shall be present, although less than a majority of the whole number, shall constitute the board of canvassers.

Board to meet on adjourned day

Sec. 48. The canvassers shall choose one of their number chairman; and said board shall then proceed to examine the original statements certified by the several boards of inspectors of election, or certified or corrected copies thereof, and ascertain the number of votes given in the county for the respective State, county and district officers, when such district shall exceed the limits of such county, and make statements thereof, as the nature of the election may require; after which the several senatorial and representative district boards of canvassers shall proceed to canvass their respective districts, if such county shall be divided for representative purposes.

To organize and canvass votes.

Sec. 49. They shall make a separate statement containing the whole number of votes given in such county for the offices of Gover-

Separate
statement.

nor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State board of education, the names of the persons to whom such votes were given, and the number of votes given to each; another similar statement of the votes given for electors of president and vice president of the United States, each year in which such electors are to be chosen; another similar statement of the votes given for representative in Congress; another of the votes given for Senator, when the county alone does not constitute a senatorial district; another of the votes given for representative in the State Legislature, when the county alone does not constitute a representative district; another of the votes given for senator or representative, when the county alone constitutes but one senatorial or representative district; and another of the votes given for county officers.

Ibid.

Sec. 50. The several senatorial and representative district canvassers shall, where a county is divided for such purposes, also make a statement of the whole number of votes given in each respective district for the office of senator or representative, or both, as the case may be, which several statements shall set forth the number of each of such districts, the number of votes given to each of the persons voted for in each of such districts, respectively.

What statement to contain, &c.

Sec. 51. In each of said statements, the whole number of votes given, the names of the candidates, and the number of votes given to each shall be written out in words at length; and each statement shall be certified as correct, and attested by the signatures of the chairman and secretary of the respective boards, and a copy of each, thus certified and attested, shall be delivered to the county clerk, and recorded by him in a suitable book, to be provided by him for that purpose, at the expense of the county, and kept in his office.

Determination by the board of persons elected.

Sec. 52. The county and district boards shall then determine the persons who have been by the greatest number of votes elected to the county offices, and members of the Legislature, when the county alone constitutes one or more senatorial or representative districts, and such determinations shall be certified and attested by the chairman and secretary of the respective boards, and be annexed to the statement of votes given for such officers respectively, and shall be

recorded with such statements by the county clerk in his office: *Provided*, That in elections for members of the Legislature, or county Officers, if it shall appear on the legal canvass of the votes polled at such election, that two or more persons have received an equal number of votes for the same office, such persons shall proceed to draw lots for the election to said office in the following manner: the board of canvassers for the county or district in which such election was held, shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested; the officer before whom such drawing is to take place, shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as nearly alike as possible; said slips shall be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box; and any such person drawing a slip on which is written the word "elected," shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election; if the drawings under the provisions of this section are for the office of Senator or Representative in the State Legislature, and the district exceeds the limits of a single county, then the drawing shall take place before the county clerk of the county where the district canvass is held; in all other cases, before the county clerk of the county where each case shall arise: *Provided further*, That in cases where the office of county clerk is in question, the drawing shall take place before the sheriff of the county.

Sec. 53. The said board shall, without delay, make a duplicate statement of the votes given for senator, when the county alone does not constitute a senatorial district, and deliver the same to the clerk of the county, to be delivered by him to the senatorial district canvassers; said board shall also make a duplicate statement of votes given for representative in the State legislature, when the county alone does not constitute a representative district, and deliver

the same to the said clerk, to be by him delivered to the representative district canvassers.

Duty of Co. clerk relative to statement of votes.

Sec. 54. The county clerk shall prepare and certify under his hand and seal of office, three copies of the statement of votes given for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State board of education; also three copies of the statement of votes given for Representative in Congress; also three copies of the statement of votes given for electors of president and vice president of the United States, after he shall have received such statement from the board of county canvassers; each of which statements he shall seal up in an envelope, and direct one of each to the Governor, one of each to the Secretary of State, and one of each to the State Treasurer, and transmit the same by mail, within five days after the county canvass, when a general election has been held, and within three days after the county canvass when a special election has been held.

Certificate of determination.

Sec. 55. He shall also prepare as many certified copies of each certificate of the determination of the board of county canvassers, as well as of the several district canvassers, if such county shall be divided for representative purposes, as there are persons declared in such certificates to be elected, and shall without delay deliver one of such copies to each person so declared to be elected.

Clerk to transmit list of Rep's & Co. officers.

Sec. 56. Such clerk shall, within thirty days of a general election, transmit to the Secretary of State, a list of the members of the legislature elected in the county, designating both the Senators and Representatives by their respective districts, and also a list of all the county officers elected in such county at such election.

Votes for & against amendment to constitution—how taken and canvassed.

Sec. 57. Whenever any amendment shall have been proposed to the constitution, and agreed to and submitted to the people pursuant to the provisions of the constitution, if the vote thereon shall be required to be taken at a general election, the votes of the electors for and against such amendment shall be taken, canvassed, certified and recorded, and certified copies of the statement thereof shall be made and transmitted by the several county clerks to the Governor, Secretary of State and State Treasurer at the same time and in the same

manner as the votes for State officers are by law required to be taken and canvassed and statements thereof to be certified, recorded and transmitted.

Sec. 58. Whenever any banking law for banking purposes, or amendments thereof, shall have been passed by the legislature, approved by the governor and submitted to the people, pursuant to the provisions of the constitution, if the vote thereon shall be required to be taken at a general election, the votes of the electors for and against such banking law, or amendment thereof, shall be taken, canvassed, certified and recorded, and certified copies of the statements thereof shall be made and transmitted by the several county clerks to the Governor, Secretary of State and State Treasurer, at the same time and in the same manner as the votes for State officers are by law required to be taken and canvassed, and statements thereof to be certified, recorded and transmitted.

Of banking law or amendment thereto.

Sec. 59. In each election district for the election of a senator or representative in the State legislature, the limits of which shall be greater than those of a county, there shall be a board of district canvassers, and the clerks of the several counties within the district, the judge of probate and the sheriff of the county in which the meetings of the board are to be held, shall constitute such board.

District canvassers.

Sec. 60. Any three of said canvassers shall be a quorum for the transaction of the business of said board; and in case there shall not be three of the members of such board present at any such meeting, the register of deeds or the county treasurer of the county where any such meeting is appointed to be held, or both of them, may act as members of such board; and with the other members in attendance shall constitute a board of not less than three in number.

Quorum of board.

Sec. 61. The board shall meet in the district for the election of a representative in the State legislature, on the Tuesday next after the day on which the county canvass is appointed to be made, and in districts for the election of senators, on the third Tuesday after the county canvass, at the office of the clerk of the county in such district having the greatest number of inhabitants, according to the last preceding census, unless otherwise provided by law.

Times and places of meeting.

Sec. 62. If either of the county clerks shall be unable to attend such canvass on the day appointed therefor, he shall, on or before that

Original statements to be laid before board.

day, cause to be delivered at the office of the clerk of the county in which such meeting is to be held, the original statement of votes given in his county for the officer to be elected in such district, which statement shall be laid before said board.

Proceeding
of canvass-
ers.

Sec. 63. The canvassers shall then proceed to examine the statement of the votes given in the several counties in the district, and ascertain and determine what persons have been elected, and to what offices, and shall draw up a statement thereof in words at length, which statement shall contain the whole number of votes given in the district for each office, and the names of the persons to whom such votes were given; and such statement shall be certified to be correct, and to be subscribed by the said canvassers, or a majority of them.

Determina-
tion of can-
vassers.

Sec. 64. The canvassers shall then determine the persons elected to the several offices within the district, as shall appear by such statement, and shall certify such determination under their hands, and annex the same to their said statement, and deliver the same to the clerk of the county in which their meeting shall be held, who shall file the same in his office; and said board shall cause a copy of such statement and certificate to be forthwith published in some newspaper printed in the district.

Duty of Co.
clerk in re-
lation to
statement.

Sec. 65. The county clerk by whom the said statement and certificate thereto annexed shall be filed, shall, without delay, transmit by mail to the Secretary of State, a copy of such statement and certificate of determination, certified by him under his hand and seal of office; and he shall also, without delay, prepare and certify as many copies of such certificate of determination as there are persons stated therein to have been elected, and cause one of said copies to be delivered to each person so determined to be elected.

State can-
vassers.

Sec. 66. The Secretary of State, the State Treasurer and the Commissioner of the State Land Office shall constitute the board of State canvassers, any two of whom shall be a quorum for the transaction of business; and if only one of said officers shall attend on the day appointed for a meeting of the board, the Auditor General, on being notified by the officer so attending, shall without delay attend with such officer, and with him shall form the board.

Sec. 67. The Secretary of State, on the receipt of the certified co-

pies of the statement of votes given in the several counties, directed by law to be sent to him by the county clerks, shall record the same in a suitable book to be kept by him for that purpose; and if from any county clerk no such statement shall have been received by the Secretary of State, on or before the second Monday of December next after a general election, and on or before the thirtieth day after a special election, he shall call upon the Governor and State Treasurer, and receive from them, or either of them, the statement from such county, if the Governor or State Treasurer shall have received such statement.

Secretary of State to record statements.

Sec. 68. If, from any county clerk, no such statement shall have been received by the Secretary of State, the Governor nor the State Treasurer, within the times limited, the Secretary of State shall forthwith send a special messenger to obtain such statements and certificates from such county clerk; and such clerk shall immediately, on demand being made by such messenger at his office, make out and deliver to him the statements and certificates required.

When to call on Clk for statement.

Sec. 69. For the purpose of canvassing and ascertaining the result of elections, other than for electors of president and vice president, the Secretary of State shall appoint a meeting of the State canvassers to be held at his office, on or before the fifteenth day of December next after a general election, and within forty days after a special election, and shall notify the other members of the board of the same.

Secretary to appoint meeting of board, &c.

Sec. 70. The said board of canvassers, when formed as aforesaid, shall examine the statements received by the Secretary of State, of the votes given in the several counties, and make a statement of the whole number of votes given for the offices of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State board of education, which statement shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each of such persons.

Duty of board of state canvassers.

Sec. 71. The said board shall also proceed to examine the statements received by the Secretary of State, of the votes given in the several counties, and make a statement of the whole number of votes

Ida.

given for the office of Representative in Congress in each Congressional district; which statement shall show the names of the persons to whom such votes shall have been given for said office, and the whole number of votes given to each person in each respective district.

Duty of
board of
State can-
vassers.

Sec. 72. The said canvassers shall certify each statement made by them to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to each respective office, and make and subscribe on each statement a certificate of such determination, and deliver the same to the Secretary of State.

Record to be
made by Se-
cretary of
State.

Sec. 73. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination, so made and delivered to him by the board of State canvassers; and shall, without delay, make out and cause to be delivered to each of the persons thereby declared to be elected, a copy of such determination, certified by him under his seal of office.

Votes for
electors of
President,
&c.; when
and how
canvassed.

Sec. 74. For the purpose of canvassing and ascertaining the votes given for electors of president and vice president of the United States, the board of State canvassers shall meet on the Wednesday next after the third Monday of November, or on such other day before that time as the Secretary of State shall appoint; and the powers, duties and proceedings of said board, and of the Secretary of State, in sending for, examining, ascertaining, determining, certifying and recording the votes and results of the election of such electors, shall be in all respects, as near as may be, as hereinbefore provided in relation to sending for, examining, ascertaining, determining, certifying and recording the votes and results of the election of State officers.

Secretary of
State to
transmit
copy of cer-
tificate of
determina-
tion.

Sec. 75. The Secretary of State shall, without delay, cause a copy of the certified determination of the board of State canvassers, declaring the persons elected as such electors, to be transmitted and delivered by special message or otherwise, to each of the persons so declared to be elected, which copies shall be certified under his hand and seal of office.

Sec. 76. For the purpose of canvassing and ascertaining the result

of the vote taken at a general election, upon any proposed amendment to the constitution, or approval of any banking law, or amendment thereof, the Secretary of State shall appoint a meeting of the State board of State canvassers, to be held at his office, on or before the twentieth day of December next after such election; at which meeting the said Secretary shall lay before the board the statements received by him of the votes given in the several counties for and against such amendment to the constitution, or for and against the approval of such banking law, or amendment thereof, as the case may be.

Votes on amendment to constitution, &c., how disposed of.

Sec. 77. The board shall then proceed to examine such statements, and to ascertain and determine the result, and shall make and certify under their hands, a statement of the whole number of votes given for, and the whole number of votes given against, such amendment of the constitution, or for or against the approval of such banking law, or amendment thereof, as the case may be; and they shall thereupon determine whether such amendment to the constitution, or such banking law, or amendment thereof, as the case may be, has been approved and ratified by a majority of the electors voting thereon, and shall make and subscribe on such statement a certificate of such determination, and deliver the same to the Secretary of State.

Board to ascertain and determine the result.

Sec. 78. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, such certified statement and determination; and if it shall appear that such amendment to the constitution, or such banking law or amendment thereof, has been approved and ratified, as aforesaid, he shall also record such determination in the book in which the original act of the Legislature is recorded, and shall cause any amendment to the constitution to be published with the laws enacted by the Legislature at the next succeeding session thereof.

Duty of Secretary of State.

Sec. 79. The Secretary of State shall cause a copy of such determination and certificate of election to be published for two successive weeks in a newspaper published at the seat of government, immediately after receiving the same from the board of State canvassers.

Sec. 80. The said board of State canvassers shall have power to adjourn from day to day, for a term not exceeding five days.

**Election of
members of
board of ed-
ucation.**

Sec. 81. At the general election to be held in the year eighteen hundred and fifty-two, there shall be elected three members of the State board of education; one for two years, one for four years, and one for six years; and at each succeeding general election, there shall be elected one member of said board, who shall hold his office for six years, and until his successor is elected and qualified; and the ballots for the members of the State board of education shall designate which of the persons so balloted for, for member of said board, is to hold the office for two years, which for four years, and which for six years; and the person receiving the greatest number of votes for the term so designated, shall be by the State canvassers declared to be elected for such term.

**Representa-
tive in
Congress.**

Sec. 82. A representative in the Congress of the United States shall be chosen in each of the congressional districts into which the State is or shall be divided, at each general election; and if a representative in Congress shall resign, he shall forthwith transmit a notice of his resignation to the Secretary of State; and if a vacancy shall occur, by death or otherwise, in the office of representative in Congress, the clerk of the county in which such representative shall have resided at the time of his election, shall without delay transmit a notice of such vacancy to the Secretary of State.

**Electors of
President &
V. President**

Sec. 83. At the general election next preceding the choice of President and Vice President of the United States; there shall be elected by general ticket as many electors of President and Vice President as this State may be entitled to elect of Senators and Representatives in Congress.

**To convene
at capitol.**

Sec. 84. The electors of President and Vice President shall convene at the capitol of the State on the first Wednesday of December; and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend by the hour of twelve o'clock at noon of that day, or on account of any two of such electors having received an equal and the same number of votes, the electors present shall proceed to fill such vacancy by ballot and plurality of votes; and when all the electors shall appear, or vacancies shall be filled, as above provided, they shall proceed to perform the duties of such electors, as required by the constitution and laws of the United States.

Sec. 85. The Secretary of State shall prepare three lists of the names of the electors, procure thereto the signature of the Governor, Duty of Secretary of State. affix the seal of the State to the same, and deliver such certificates, thus signed and sealed, to one of the electors, on or before the said first Wednesday of December.

Sec. 86. On the first Tuesday after the second Monday of January next before the expiration of the time for which any Senator was elected to represent this State in the Congress of the United States, When Senator in Congress to be elected. if the Legislature shall be then in session, and if not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the Legislature, an election shall be held for a Senator in Congress, at the place where the Legislature shall be then sitting; which election may be continued from day to day until such Senator shall be elected.

Sec. 87. Whenever the seat of any such Senator shall become vacant before the expiration of the term for which he was elected, another Senator shall be elected to fill his place within ten days after the Legislature shall have notice of such vacancy, at the place where it shall be then sitting. Vacancy; how filled.

Sec. 88. Such election shall be made in the following manner: the Senate and House of Representatives shall each openly nominate one person for the office of Senator in Congress; after which they shall immediately meet in joint convention in the Hall of the House of Representatives, and if they shall agree in their nomination, the person so nominated shall be deemed elected; if they shall disagree, the election shall be made by a joint vote of the Senators and members of the House of Representatives, and a majority of the votes given in such joint convention shall be necessary to an election. Manner of conducting election.

Sec. 89. Whenever any Senator shall be chosen as aforesaid, a copy of the resolutions of the Senate and House of Representatives, certifying such choice, signed by the President of the Senate and Speaker of the House of Representatives, shall be delivered to the Secretary of State and recorded by him; and he shall forthwith make out a certificate, under the seal of the State, and attested by him as Secretary, certifying such choice, and deliver the same to the person so chosen Senator, by mail or otherwise. Evidence of election.

Sec. 90. Unorganized counties, with other parts of the State which

**Unorgani-
zed counties** may be attached to any organized county for judicial purposes, unless otherwise provided, shall be considered as a part of such organized county for all purposes concerning the election of officers who may be elected at a general or special election.

**Oath of in-
spectors.** Sec. 91. The oath directed in this act to be taken by persons chosen to be inspectors, or appointed clerks of elections, shall be in the form prescribed in the first section of the eighteenth article of the revised constitution of this State.

**Compensa-
tion.** Sec. 92. Each county canvasser, sheriff and county clerk, shall receive such reasonable compensation for their services while employed in the business of elections for county officers as shall be allowed by the board of supervisors or county auditors, to be paid by the county.

Ibid. Sec. 93. Each district canvasser, county clerk, or other person employed in canvassing and returning the result of the elections required by law to be certified by district canvassers, to the board of State canvassers, shall receive such compensation as the board of State auditors shall deem reasonable, and be paid out of the State treasury.

Sec. 94. During the day on which any election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election.

**Term of of-
fice.** Sec. 95. The person holding any office, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when any person shall be elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Approved June 27, 1851.

[No. 176.]

AN ACT to divide the State into Senate districts.

**Division of
State into
Senate dis-
tricts.** Section 1. *The People of the State of Michigan enact, That this State shall be divided into thirty-two Senate districts, and each district entitled to one Senator, which shall be constituted as follows, to wit:*

1. The first district shall consist of the third, fourth, sixth and seventh wards in the city of Detroit, and the townships of Hamtramck and Grosse Point, in the county of Wayne; the election returns shall be made to the county clerk's office in said county.

2. The second district shall consist of the first, second, fifth and eighth wards in the city of Detroit, and the townships of Springwells, Greenfield, Ecorse and Monguagon, in the county of Wayne; the election returns shall be made to the county clerk's office in said county.

3. The third district shall consist of the townships of Brownstown, Huron, Sumpter, Taylor, Romulus, Van Buren, Canton, Plymouth, Livonia, Nankin, Dearborn and Redford, in the county of Wayne; the election returns shall be made to the county clerk's office in said county.

4. The fourth district shall consist of the townships of Oxford, Orion, Pontiac, Bloomfield, Southfield, Royal Oak, Troy, Avon, Oakland, Addison and Farmington, in the county of Oakland; the election returns shall be made to the clerk's office of the county of Oakland.

5. The fifth district shall consist of the townships of Lyons, Novi, Milford, Commerce, West Bloomfield, Highland, White Lake, Waterford, Rose, Springfield, Independence, Holly, Groveland and Brandon, in the county of Oakland; the election returns shall be made to the clerk's office in the county of Oakland.

6. The sixth district shall consist of the townships of Superior, Salem, Ann Arbor, Northfield, Scio, Webster, Lima, Dexter, Sylvan and Lyndon, in the county of Washtenaw; the election returns shall be made to the clerk's office of the county of Washtenaw.

7. The seventh district shall consist of the townships of Ypsilanti, Augusta, Pittsfield, York, Lodi, Saline, Freedom, Bridgewater, Sharon and Manchester, in the county of Washtenaw; the election returns shall be made to the clerk's office of the county of Washtenaw.

8. The county of Monroe shall be the eighth district.

9. The ninth district shall consist of the townships of Adrian, Franklin, Cambridge, Rome, Rollin, Woodstock, Hudson, Dover, Medina and Seneca, in the county of Lenawee; the election returns shall be made to the clerk's office of the county of Lenawee.

10. The tenth district shall consist of the townships of Madison, Fairfield, Ogden, Riga, Palmyra, Blissfield, Raisin, Ridgeway, Macon and Tecumseh, in the county of Lenawee; the election returns shall be made to the clerk's office of the county of Lenawee.

11. The eleventh district shall consist of the townships of Spring Arbor, Concord, Pulaski, Hanover, Liberty, Columbia, Napoleon, Grass Lake and Leoni, in the county of Jackson; the election returns shall be made to the clerk's office of the county of Jackson.

12. The twelfth district shall consist of the townships of Waterloo, Henrietta, Rives, Tompkins, Springport, Parma, Sandstone and Jackson, in the county of Jackson; the election returns shall be made to the clerk's office of the county of Jackson.

13. The 13th district shall consist of the townships of Clarence, Battle Creek, Emmet, Marshall, Lee, Convis, Pennfield and Redford, in the county of Calhoun; the election returns shall be made to the clerk's office of the county of Calhoun.

14. The 14th district shall consist of the townships of LeRoy, Sheridan, Marengo, Albion, Eckford, Freedonia, Newton, Athens, Burlington, Tekonsha, Clarendon and Homer, in the county of Calhoun; the election returns shall be made to the clerk's office of the county of Calhoun. The county of Hillsdale shall be the fifteenth district; the county of Branch the sixteenth; the county of St. Joseph the seventeenth; the county of Cass the eighteenth; the county of Berrien the nineteenth; the county of Allegan and Van Buren the twentieth, the returns of election to be made to the clerk's office of the county of Van Buren; and the county of Kalamazoo the twenty-first. The counties of Barry and Eaton shall constitute the twenty-second district, the election returns shall be made to the county seat of Eaton county; the counties of Ottawa, Newaygo, Oceana, Lake, Mason, Grand Traverse, Wexford, Missaukee, Kalamazoo, Omeena, Leelanaw, Antrim and Manistee shall constitute the twenty-third district, the election returns shall be made to the county seat of Ottawa county; the county of Kent shall be the twenty-fourth district; the counties of Clinton, Ionia, Montcalm, Gratiot, Isabella, Mecosta, Oceola and Clare shall constitute the twenty-fifth district, the election returns shall be made to the county seat of Ionia for the year 1852, and to the county seat of Clinton for the year

1854; the counties of Ingham and Shiawassee shall constitute the twenty-sixth district, the election returns shall be made to the county seat of Ingham; the county of Livingston shall be the twenty-seventh district, and the county of Genesee the twenty-eighth district; the counties of Lapeer, Saginaw, Tuscola, Midland, Gladwin, Aronac, Roscommon, Ogemaw, Iosco, Algona, Oscoda, Crawford, Otsego, Montmorency, Alpena, Presque Isle, Wyandot, Charlevoix, Emmet and Cheboygon, shall constitute the twenty-ninth district, the election returns shall be made to the county seat of Lapeer; the county of Macomb shall be the thirtieth district; the counties of St. Clair, Sanilac and Huron shall constitute the thirty-first district, the election returns shall be made to the county seat of St. Clair; the counties of Mackinaw, Chippewa, Marquette, Schoolcraft, Delta, Houghton and Ontonagon shall constitute the thirty-second district, the election returns shall be made to the county seat of Chippewa. The election returns of each county forming one district shall be made to the seat of justice of the respective county.

Approved June 27, 1851.

[No. 177.]

AN ACT to organize the county of Newaygo.

Section 1. *The People of the State of Michigan enact*, That the county of Newaygo shall be organized, and the inhabitants thereof entitled to all the rights and privileges to which by law the inhabitants of the other organized counties of this State are entitled. County of Newaygo organized.

Sec. 2. There shall be elected in the said county of Newaygo, on the first Tuesday of November, in the year one thousand eight hundred and fifty-one, all the several county officers to which by law the said county is entitled, and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers: *Provided*, That the county officers so to be elected shall be qualified and enter upon the duties of their respective offices on the first Monday in January, one thousand eight hundred and fifty-two: *Provided further*, That until such county officers are elected and qualified, the proper county officers of the county of Kent shall perform all the duties appertaining to the said

Elections; how held.

county of Newaygo, in the same manner as though this act had not passed.

Board of
canvassers;
of whom to
consist.

Sec. 3. The board of canvassers in said county under this act shall consist of the presiding inspectors of elections from each township therein; and said inspectors shall meet at the county seat of said county at the time appointed by law for the county canvass, and immediately after the election authorized in the second section of this act, and organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Approved June 27, 1851.

[No. 178.]

AN ACT to amend Chapter 41 of the Revised Statutes of 1846, "of Taverns and other Licensed Houses."

Chap. 41, R.
S. of 1846
amended.

Section 1. *The People of the State of Michigan enact*, That chapter 41 of the revised statutes of 1846 be amended so as to read as follows:

" CHAPTER 41.

" Of tavern keepers and retailers of spirituous liquors.

Limitation.

"Sec. 1. Any person who shall sell any spirituous liquors, mixed or unmixed, in a less quantity than twenty-eight gallons at any one time, or permit the same to be done in or about any premises occupied by him, either as a tavern keeper or common victualer, or otherwise, without having first given the bond hereafter provided, shall forfeit and pay for each offence a sum not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the court.

Penalty.

Bonds re-
quired.

"Sec. 2. No person shall, as an inn holder or tavern keeper, common victualer, or in any other capacity, sell spirituous liquors in a less quantity than twenty-eight gallons, at any one time, without first giving a bond to the people of this State, in the penal sum of not less than five hundred dollars nor more than one thousand dollars, to be fixed and determined by the proper township, city or village board,

with two or more sufficient sureties, who shall be residents of the county, to be approved by the township board or the corporate authorities of the proper city or village where such person resides and does business, conditioned to pay all penalties and forfeitures that may be incurred by reason of violating any provisions of law regulating the sale of spirituous liquors in a less quantity than twenty-eight gallons at any one time, and to pay all damages that community or individuals may sustain by reason of such traffic, sale or disposal of intoxicating liquors by the person giving the bond; which bond shall be filed in the office of the proper township, city or village clerk, and be subject to the inspection of all persons that may have sustained damages by the improper sale of intoxicating liquors; and a copy of the same, properly authenticated, shall be received in evidence in all courts of justice in this State; and before such sureties shall be accepted, each of them shall justify his responsibility under oath, to be administered by one of the township board, showing that each surety is worth in property unincumbered, liable to execution, over and above all liabilities, at least double the amount of the penalty in said bond; and it shall be the duty of the township, city or village clerk with whom such bond may be filed, to deliver on demand a certified copy of the same to any person who may claim to be injured by such traffic or sale.

Conditions
of bond, &c.

"Sec. 3. Any retailer or seller of spirituous liquors who shall give away spiritous liquors, or cause the same to be done, for the purpose of avoiding the provisions of this chapter, without first giving the bond hereinbefore provided, shall forfeit and pay for each offence a sum not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the court.

Penalty for
giving away
liquors.

"Sec. 4. Any person injured by such sale, or disposing of, or by or in consequence of the intoxication of any person, occasioned by the liquors so sold or disposed of, may have an action of assumpsit against the principal and sureties executing said bond, or either or any of them, and shall be entitled to recover all damages for injury, loss or detriment occasioned thereby; and it shall be sufficient to allege in the declaration in such action, that the principal in said bond, naming him, at some place in the county in which the action is brought, (naming such place,) at such time or times, between two certain

Liability of
seller in cer-
tain cases.

days, to be therein mentioned, (and which shall not embrace a period of over thirty days,) sold or gave away intoxicating liquor to some person, (naming him,) and that in consequence of such sale or giving away, the plaintiff has suffered damages to an amount therein to be stated.

Married woman may institute suit.

"Sec. 5. Any married woman may institute and maintain in her own name, a suit on any such bond, in the manner provided in the preceding section, for all damages sustained by herself or children, occasioned by the sale of spirituous liquors by the person giving the bond; and the money recovered shall be paid over to her for the use of herself and children; and in any action to be brought under this act by the wife or any minor child or children of any person who has been intoxicated by the liquor so sold, disposed of or given away, any destruction or injury of property, though it be the property of the person who has been so intoxicated, and any loss of time, though of the person so intoxicated, as well as any injury to the property or person of such wife, or any of the minor children of such intoxicated person, shall be allowed as damages in such cases.

Term of bond.

"Sec. 6. Such bond shall remain in force for six years, and the person executing the same shall be liable to an action thereon at any time within one year from the time the cause of action accrued; they, or any of them, shall also be liable to be prosecuted on said bond for all damages, penalties and forfeitures which may arise to the public from such sale, in the manner provided in chapter one hundred and twenty-eight of the revised statutes of eighteen hundred and forty-six, for the recovery of penalties and forfeitures, &c. It shall be the duty of the township boards of the several townships in this State, and the proper authorities of incorporated cities and villages, to require new bonds at least once in two years, and as much oftener as they may deem the public good requires; and every person, on notice, failing to give a new bond as above provided, who sells or gives away spirituous liquors thereafter, shall immediately thereupon become liable to all the provisions of this act, for such subsequent selling or giving away, in the same manner he would be if he had never executed such bond.

Bonds may be renewed.

"Sec. 7. Every tavern keeper shall at all times be furnished with suitable provisions and lodging for strangers and travelers, and sta-

ble room, hay and provender for their horses and cattle; and if he shall not at all times be so provided, he shall forfeit and pay the sum of five dollars for each offence.

Tavern keeper to furnish suitable provisions, &c.

"Sec. 8. Every common victualer shall have all rights and privileges, and be subject to all the duties and obligations of tavern keepers, excepting that he shall not be required to furnish lodging for travelers, nor stable room, hay and provender for horses and cattle.

Common victualer.

"Sec. 9. Every tavern keeper and common victualer shall at all times have a board or sign conspicuously affixed to his house, or in some conspicuous place near the same, with his name thereon, and the employment which he pursues, on pain of forfeiting ten dollars.

Sign.

"Sec. 10. If any tavern keeper shall, when requested, refuse, without reasonable cause, to receive and make suitable provisions for strangers and travelers, and their horses and cattle, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars.

Penalty for refusing to receive strangers.

"Sec. 11. No tavern keeper, common victualer or retailer of spirituous liquor shall have or keep in or about his house or other buildings, yards, or gardens, or their dependencies, any dice, cards, billiards or other implements used in gaming; nor shall suffer any person resorting there to use or exercise any of said games, or other any [any other] unlawful game or sport, within said premises, on pain of forfeiting ten dollars for each offence.

Gaming not permitted.

"Sec. 12. Any person who shall use or exercise any of the games aforesaid in or about any such house or buildings of a tavern keeper or common victualer, shall forfeit the sum of ten dollars.

Penalty.

"Sec. 13. No retailer of spirituous liquors shall suffer any person to drink to drunkenness or excess in his premises on pain of forfeiting five dollars for each offence, nor suffer any minor, travelers excepted, to have any strong drink there without the written permission of the parent or guardian of such minor, on pain of forfeiting ten dollars for each offence.

Drunkenness.

"Sec. 14. No suit shall be entertained by any court of this State, to recover a demand for spirituous liquors sold in a less quantity than twenty-eight gallons at any one time; and whenever it shall be made to appear to any court before which a suit may be pending on

Suit not to be entertained by any court in certain cases.

courts," approved April 8, 1851, be and the same is hereby amended by adding a new section to come in between sections eighteen and nineteen of said act, and to be numbered nineteen, as follows:

Decision of court; where filed. "Sec. 19. Upon the trial of a question of fact by the Court, without a jury, the decision of the court shall be given in writing and filed with the clerk within twenty days after the court at which the trial was had. In giving the decision, the facts found shall be first stated, and then the conclusion of law upon them. In case any exception shall have been taken or objection made to the admission of evidence on the trial, such decision shall state the exceptions, objections, and the ruling of the court thereon, and whether the evidence was admitted or rejected; and upon filing such decision with the clerk he shall thereupon enter judgment as of the term at which such cause was tried. Either party may except to a decision on a matter of law arising upon such trial or decision, within ten days after notice of such decision, in the same manner and with the same effects as upon a trial by jury; and either party desiring a review upon the evidence appearing upon the trial, either of the questions of law or facts, may at any time within ten days after notice of the judgment, make a case for the decision of the supreme court, containing so much of the evidence as may be material to the questions to be raised. The case, unless agreed upon by the parties or their attorneys, shall be settled under the direction of the judge who tried the cause, or in such other manner as shall be required by the rules of court to be established by the supreme court."

Exceptions.

When judgment to be entered, &c.

When cases may be decided by supreme court.

Approved June 27, 1851.

[No. 180.]

AN ACT to amend an act entitled an act to provide for the election of a District Judge and Regent of the University in the Upper Peninsula, approved April 7, 1851.

Title of act No. 131 of 1851 amended. Section 1. *The People of the State of Michigan enact, That the title of the act entitled "an act to provide for the election of a District Judge and Regent of the University in the upper peninsula," approved April seventh, eighteen hundred and fifty-one, be amended by inserting after the word "Judge," the words "District Attorney;"*

so that said title as amended shall read as follows: "an act to provide for the election of a District Judge, District Attorney and Regent of the University in the upper peninsula."

Sec. 2. That section one, line nine, of said act be amended by inserting after the word "Wayne," the following: "and one District ^{Election of district attorney.} Attorney for said district, who shall be elected on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every two years thereafter;" so that said section as amended will read as follows:

"Section 1. *The People of the State of Michigan enact*, That an election shall be held in the several townships and wards of that portion of the State denominated the upper peninsula, as described in section one, article nineteen of the revised constitution, on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every sixth year thereafter, at which there shall be elected one District Judge for such district, and one Regent of the University, in conjunction with the county of Wayne, and one District Attorney for said district, who shall be elected on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every two years thereafter; which elections shall be notified, conducted, canvassed, certified, recorded, and the result thereof transmitted, in all respects, as near as may be, in conformity with the provisions of an act entitled 'an act to provide for the election of Circuit Judges and Regents of the University,' approved March tenth, eighteen hundred and fifty-one."

Sec. 3. This act shall take effect immediately.

Approved June 28, 1851.

[No. 181.]

AN ACT to amend an act entitled an act to provide for holding General Elections in the Upper Peninsula, approved April 7, 1851.

Section 1. *The People of the State of Michigan enact*, That section one, lines eight and nine, of the act entitled "an act to provide for holding general elections in the upper peninsula, approved April 7, 1851," be amended by striking out after the word "elected," the ^{Sec. 1 of act No. 180 of 1851 amended.}

words "one district attorney;" so that said section as amended, will read as follows:

General election. "Section 1. *The People of the State of Michigan enact*, That a general election shall be held in the several townships and wards of that portion of the State denominated the Upper Peninsula, as described in section one, article nineteen of the revised constitution, and such other territory as may be attached thereto for election purposes, on the last Tuesday of September, A. D. 1852, and on the last Tuesday of September every two years thereafter; at which time **Officers to be elected.** shall be elected one Senator and three Representatives in the State Legislature, and such county officers as are authorized by law to be elected in the several counties of this State, except prosecuting attorneys; which election shall be notified, conducted, canvassed, certified, determined and recorded in all respects, as near as may be, according to the provisions of law relative to holding general elections, except as to the time above mentioned, and as is hereinafter provided."

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 182.]

AN ACT to provide for an early redemption of Internal Improvement Warrant Bonds.

Certificates of stock and bonds; when redeemed. Section 1. *The People of the State of Michigan enact*, In pursuance of the proviso to section two of an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds, approved April 1, 1848, that all certificates of stock and bonds, heretofore issued, as provided for in the first section of above recited act, shall be redeemable forthwith, or at any definite period prior to the first day of January, 1870, at the option of the State. And any such bonds which may have been issued, redeemable upon notice, shall be redeemable as provided in such bonds; and whenever the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks

in succession, that the said certificates of stock or bonds, or a portion of them, (describing them by dates, amounts and numbers,) will be redeemed when payable, all interest on any such certificates or bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice: *Provided*, That the first bonds issued under the provisions of the first section of said above recited act, shall be the first called in by notice as above provided.

When interest to cease

Proviso.

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 183.]

AN ACT to amend Sections 32, 48 and 49 of Chapter 93 of Title 21 of the Revised Statutes of 1846, relative to Justices' Courts.

Section 1. *The People of the State of Michigan enact*, That section forty-eight of chapter ninety-three of title twenty-one of the revised statutes of eighteen hundred and forty-six be, and the same is hereby amended so as, when amended, to read as follows:

Sec. 48 of chap. 93, R. S. of 1846 amended.

"Sec. 48. If the amount of the set-off duly established be equal to the plaintiff's debt, judgment shall be entered for the defendant with costs; if it be less than the plaintiff's debt, the plaintiff shall have judgment for the residue only, with costs; if it be more than the plaintiff's debt, and the balance found due to the defendant from the plaintiff in the action be three hundred dollars or under, judgment shall be rendered for the defendant for the amount thereof, with costs, and execution shall be awarded as upon a judgment in a suit brought by him; but no such judgment shall be rendered against the plaintiff when the contract which is the subject of the suit shall have been assigned before the commencement of such suit, nor for any balance due from any other person than the plaintiff in the action."

Judgment & execution in case of set-off.

Sec. 2. That section forty-nine of the chapter aforesaid be and the same is hereby amended so as, when amended, to read as follows:

Sec. 49 amended.

"Sec. 49. If the balance found due the defendant exceed three hundred dollars, the justice shall set off so much of the defendant's demand against the plaintiff's debt as shall be sufficient to satisfy it,

if requested to do so by the defendant, and shall render judgment for the defendant for his costs; but if the defendant shall not require such set-off, the justice shall render judgment of discontinuance against the plaintiff, with costs to the defendant, and the defendant may thereafter sue for and recover his demand in any court having cognizance thereof."

Sec. 32 amended. Sec. 3. That section thirty-two of said chapter be so amended as, when amended, to read as follows:

Attachment not being personally served, cause may be continued, &c.

"Sec. 32. If the attachment shall not be personally served upon any of the defendants, and none of the defendants shall appear on the return day thereof, the justice shall, upon the request of the plaintiff, adjourn the cause not less than three nor more than ten days, and thereupon issue a summons in the same suit, returnable on said adjourned day; and if the summons shall be returned personally served, the justice may, at the return day thereof, proceed therein as in other cases of personal service; but if, upon diligent search and inquiry, the defendants or any of them cannot be found, then the justice shall continue the cause for three months; and in such case no hearing shall be had or judgment rendered thereon until the expiration of that time, unless the defendants shall sooner appear and request a trial, in which case the justice shall appoint a day for the trial of such suit and cause, notice thereof to be given to the plaintiff: *Provided*, That when no trial is sooner had under the provisions of this section, and the cause remains adjourned for said three months, if said adjourned day falls on Sunday, or the first day of the week, the justice shall proceed with the trial of said cause on the Saturday next preceding the adjourned day thereof, and at or during the hour named in said adjournment."

Approved June 28, 1851.

[No. 184.]

AN ACT to prohibit the maintaining of suits in equity by judgment creditor's bill, to provide a remedy at law in lieu thereof, and to repeal sections twenty-four and twenty-five of chapter ninety of the revised statutes of eighteen hundred and forty-six.

Section 1. *The People of the State of Michigan enact*, That, when an execution against property of the judgment debtor, issued to the

sheriff of the county in which he resides, or if he reside out of the State, to the sheriff of the county in which the judgment was recorded, shall be returned unsatisfied in whole or in part, the judgment creditor may obtain an order from the judge of the court in which the judgment was obtained, or from the judge of the circuit court for the county in which the defendant resides, or from the circuit court commissioner of any such county, requiring the judgment debtor to appear and make discovery on oath concerning his property or any debts due or to become due to him before such judge, at a time and place specified in the order.

Judgment debtor, in certain cases, to make discovery of property, on oath.

Sec. 2. Witnesses may be required to appear and testify in any proceeding under this act, in the same manner as upon the trial of an issue in the circuit court. And upon an affidavit showing to the satisfaction of such judge or commissioner, that any person has property of the judgment debtor, or is indebted to him, the judge or commissioner may issue an order requiring such person to appear at a specified time and place, and be examined on oath concerning the same. Such judge shall take written notes of the substance of all the material facts stated by any party or witness on such examination.

Ibid.

Sec. 3. If the party or witness reside in the county where the order is made, he shall be required to attend before the judge of the circuit court for such county; if in any other county, before a referee, as provided in section seven of this act; in the latter case the examination shall be taken in writing and certified to the judge.

Sec. 4. The judge may order any property of the judgment debtor or not exempt from execution, in the hands of either himself or any other person, or any property, debt or demand due or to become due to the judgment debtor, and not exempt as aforesaid, to be applied on execution towards the satisfaction of the judgment, or he may order any such property to be made liable to and sold on any execution issued or to be issued on the judgment.

Judge may order property to apply on execution.

Sec. 5. The judge may also, by order, appoint a receiver of the property of the judgment debtor, with the like authority as receivers heretofore appointed by courts of equity in this State. The judge may, likewise, by an order, forbid a transfer of the property of the judgment debtor, and any interference therewith; and such

May appoint receiver.

order shall have the like effect as an injunction from a court of equity.

**Interest in
property of
judgment
debtor; how
recovered.**

Sec. 6. If it appear that a person so brought before the judge by the aforesaid judgment creditor, claims an interest in the property of the judgment debtor, adverse to him, such interest shall be recovered only in an action by the receiver; but the judge may by order forbid a transfer or other disposition of such interest, till a sufficient opportunity be given to the receiver to commence the action; but such receiver shall bring no action, unless at the request of the judgment creditor, and at his expense in case of failure, and he may require such reasonable security against all costs as he may think proper, before commencing such action.

**Appointment
of referees.**

Sec. 7. The judge may in any case order a reference to a referee agreed upon or appointed under this section, provided to take and report the evidence; or if agreed upon, to report the fact as found by such referee. If the parties or their attorneys agree upon such referee, the court shall appoint the person so agreed upon; if they do not agree, the judge shall appoint some competent and disinterested person as such referee.

**Expenses of
witness, &c**

Sec. 8. The judge may allow to any party or any witness so examined, his traveling expenses, and such sum in addition, as costs, as he shall deem reasonable, not exceeding thirty dollars.

**Liability of
witness.**

Sec. 9. If any party or witness shall disobey any order of the judge, made in pursuance of this act, and duly served, such party or witness may be punished by such judge, as for a contempt, in the same manner as the circuit court may punish for contempt.

**Record of
proceedings**

Sec. 10. Any of the proceedings authorized by this act to be had before the judge, may be had before him in court at any session of the circuit court or at chambers; and when had before such judge at chambers, all orders made by him, and the papers on which the same were founded, shall, within five days after such order, be delivered by such judge, together with the evidence taken by him, or any referee, to the clerk of the circuit court for his county, and shall be by him filed and preserved in his office, which shall constitute the record of the proceedings, and copies thereof, certified by such clerk, shall be conclusive evidence of the order and proceedings therein stated.

Sec. 11. Any final order made in pursuance of the provisions of

sections four, five, six, or eight, of this act, shall have the like validity and force as the decree of a court of equity, under the laws and the practice of such courts at the time of the passage of this act; and any such order in respect to real estate, or a certified copy thereof, may, if not appealed from, be recorded in the office of the register of deeds of the county in which such real estate is situated.

Sec. 12. Any final order made under any of the provisions of the fourth, fifth, or sixth sections of this act, may be appealed from, to the supreme court, within twenty days after the same is made, by, complying with the following provisions: The party appealing shall make an affidavit, setting forth the particular matters complained of in the proceedings or order, and shall deliver the same to the clerk of the court in which the papers are filed. To render an appeal effectual for any purpose, the following provisions must be complied with: If the judgment creditor appeal, he must, within said twenty days, enter into a written undertaking, with sureties, who shall justify before the clerk, unless their sufficiency be admitted by the opposite party, to the effect that the appellant will pay all costs and damages which may be awarded against him on the appeal, not exceeding two hundred dollars; or that sum may be deposited with the clerk, with whom the order is entered. Such undertaking or deposit may be waived by the written consent of the opposite party. If the appeal be taken by any other party than the judgment creditor, and if the order appealed from, be for the payment of money or the delivery of property, a written undertaking must be executed by the appellant or some person on his behalf, with two sureties, who shall justify as aforesaid, unless their responsibility be admitted as aforesaid, to at least double the amount of the money or property ordered to be paid or delivered, to the effect that if the order appealed from, or any part thereof, be affirmed, the appellant will pay the amount directed to be paid, or deliver the property in as good condition as the same is at the time of the appeal, as shall be determined on appeal, and all damages and costs which shall be awarded against the appellants. If the order appealed from direct the assignment or delivery of papers or documents by the appellant, the papers ordered to be assigned or delivered, must be delivered to the clerk with whom such proceedings are filed, or placed in the hands of such officer or receiver, as the judge

Validity of final order.

Final order may be appealed from.

Proceeding in case of appeal.

having made the order shall direct, to abide the event of the appeal, and subject to the order of the supreme court. If the order appealed from direct the sale of the real estate of the appellants or the delivery of possession by them, a written undertaking must be entered into by him, with two sureties, satisfactory to the judge making the order, and filed with such clerk, to the effect that during the possession of such property by him, or any person holding under him, he will not commit or suffer any waste thereon, and that if the order be affirmed he will pay the value of the use of such property from the time of the appeal until the delivery of possession thereof.

**Proceedings
in case of
appeal.**

Sec. 13. When all acts, matters and things required by the last preceding section shall have been done by the appellant, notice that such appeal has been taken shall be given in writing to the opposite party or his attorney, if either is to be found in the county; if not, such notice may be left with such clerk, and upon proof to such clerk that such notice has been given as aforesaid, such clerk shall, within ten days, attach together all the orders in the proceedings appealed from, and all the affidavits upon which any of them are founded, in the order of their dates, and shall attach thereto all the testimony and examinations of parties and witnesses, which shall have been filed with him in relation thereto, and shall certify them under the seal of the circuit court, and cause the same to be delivered to the proper clerk of the supreme court, and the same shall be filed by such clerk in the supreme court, and thereupon the supreme court shall be possessed of the cause.

**Supreme
court may
reverse or
dis-appeal-
ed from.**

Sec. 14. On such appeal the supreme court may reverse, affirm or modify any such order appealed from, in any particular complained of in the affidavit upon which the appeal is founded. They may, for that purpose, look into all the proceedings, and the facts as stated in the evidence returned on the appeal; and they may order a re-hearing of the whole matter, or any part thereof, before the judge making the order, or they may make such final order in the premises and award such costs as justice may require; and such last named order shall have all the force and effect of a final decree in a court of equity, according to the laws existing at the time of the passage of this act; and may be recorded in the same manner and enforced under such general or special rules as said court may adopt.

**May order a
re-hearing.**

**Final de-
cree.**

Sec. 15. After the issuing of execution by any court against or for the taking of any property, any person indebted to the judgment debtor may pay to the officer having the execution the amount of his debt, or so much thereof as shall be necessary to satisfy the execution, and the receipt of the officer having such execution shall be a sufficient discharge therefor.

Receipt of officer to be discharge of debt due to judgment debtor.

Sec. 16. Sections twenty-four and twenty-five of chapter ninety of the revised statutes of eighteen hundred and forty-six, are hereby repealed; and after this act shall take effect, no bill in equity shall be instituted or maintained, except such cases as may be then pending for the discovery of any property, money or things in action belonging to the defendant in such judgment, or held in trust for him.

Sec. 24 and 25 of chap. 90 of R. S. of 1846 repealed.

Approved June 28, 1851.

[No. 185.]

AN ACT to provide for holding terms of the District Court in the Upper Peninsula.

Section 1. *The People of the State of Michigan enact*, That there shall be held by the district judge in that portion of the State dominated the upper peninsula, eight terms of the district court in each year, to wit: two terms at the county seat of the county of Mackinac, two terms at the county seat of the county of Chippewa, two terms in the county of Ontonagon, and two terms at the county seat of the county of Houghton.

Approved June 28, 1851.

[No. 186.]

AN ACT to amend sections sixty-eight and seventy-four of an act to consolidate the laws in relation to county courts, and for other purposes, approved April 2, 1849, and to provide for the removal of causes from said county courts to the circuit courts, approved April 7, 1851.

Section 1. *The People of the State of Michigan enact*, That section three of an act entitled "an act to amend an act to amend sections sixty-eight and seventy-four of an act to consolidate the laws in re-

Sec. 3 of act No. 133 of 1851 amended.

lation to county courts, and for other purposes, approved April second, eighteen hundred and forty-nine, and to provide for the removal of causes from said county courts to the circuit courts," approved April seventh, eighteen hundred and fifty-one, be amended so that the same, when amended, shall read as follows, viz:

Transfer of
causes to
circuit
court.

Entry of
transfer,
where made

"Sec. 3. Either the plaintiff or defendant in any civil suit, or the appellant or appellee in any certiorari writ, or the prosecuting attorney or the defendant in any cause criminal, may, at his or either of their option, elect to have such cause or writ, and the return or returns thereto transferred to the circuit court of the county for trial or argument; and in case of electing to have the same [so] transferred, an entry thereof shall be made in the journal or records of the county court; and the clerk thereof shall thereupon transfer and file all the papers in such cause, or under the writ aforesaid, in the circuit court for his county; *Provided*, That neither party lose any rights by such transfer which he would have had if the same had been tried in the county court; but all the subsequent proceedings shall be the same, as far as practicable, as if said causes had been originally brought in, or said writs made returnable to, the circuit court, so far, and so far only, as the same can be done without impairing the rights or the remedy which either party would have had if such cause had remained in the county court."

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 187.]

AN ACT to provide for the sale and reclaiming of swamp lands granted to the State, and for the disposition of the proceeds.

Basis.

Section 1. *The People of the State of Michigan enact*, That they adopt the notes of the surveys on file in the surveyor general's office, as the basis upon which they will receive the swamp lands granted to the state by an act of Congress of September 28, 1850.

Minimum
price of
land.

Sec. 2. The minimum price of said lands shall be seventy-five cents per acre, and shall not be sold for less. All the moneys received from the sale of said lands shall be and remain a fund for the purpose of reclaiming said lands in conformity to the provisions of the grant.

Sec. 3. The Commissioner of the State Land Office shall have the control and supervision of said land, and of the sale thereof, and shall, as soon as the title vests in the State, cause the same to be sold at public auction, at such times and in such quantities as he may think proper, and shall cause thirty days' notice of the time and place of sale to be published in all the counties of the State in which there is a newspaper published. After the public sale under said notice, the residue of said lands may be sold in the manner now provided by law for the sale of primary school lands, as near as may be, except as herein otherwise provided.

Com'r State Land Office to have supervision of sale.

Sec. 4. On the sale of any of the said swamp lands, the Commissioner shall make out and deliver to the purchaser thereof a certificate, containing a description of the same, the amount paid therefor, the date of the sale, and the name of the purchaser, and setting forth that upon presentation thereof at the office of the Secretary of State, the purchaser shall be entitled to a patent, to be executed by the Governor, for the lands therein described.

Certificate of sale; what to contain.

Sec. 5. All moneys accruing to said fund from the sale of the lands aforesaid shall be loaned to the State, and the interest arising from the same shall be paid by the State and become part of the fund aforesaid.

Moneys received; how disposed of.

Sec. 6. Said lands shall only be sold in the same legal subdivisions in which they shall be received by the State, nor shall any of said lands be subject to private entry until the same shall have been offered for sale at public auction as herein above provided.

Lands to be sold by legal subdivisions.

Sec. 7. The Commissioner of the Land Office is hereby authorized to procure all necessary books, maps or plats of such lands as may be required for the speedy and systematic transaction of the business of the office, and all proper charges for the same shall be paid out of the fund aforesaid.

Power of Commis'r.

Sec. 8. This act shall take effect immediately.

Approved June 28, 1851.

[No. 185.]

AN ACT supplementary to the acts incorporating the city of Detroit.

Section 1. *The People of the State of Michigan enact*, The common council of the city of Detroit shall consist of a mayor or re-

order and sixteen aldermen; and the mayor or recorder, and a majority of the aldermen, shall constitute a quorum.

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 189.]

AN ACT to amend sections two and three of, and supplementary to, an act entitled "an act to incorporate the Copper Falls Mining Company," approved March 15, 1848.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled "an act to incorporate the Copper Falls Mining Company," approved March fifteen, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the third line thereof the words "one hundred," and substituting the word "thirty;" so that said section shall read:

Sec. 2 of act
No. 74 of
1848 amended.

Capital
stock.

"Sec. 2. The said company shall have corporate succession, its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Sec. 3 amended.

Sec. 2. That section three of the act to which this act is amendatory be and the same is hereby amended so as to read:

Officers of
company.

"Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company, by its by-laws, may prescribe: *Provided*,

Proviso.

That one of the directors shall at all times be a citizen and resident of the State of Michigan, upon whom service of all process against said company may be made, and such service shall be deemed a valid service as against the said Copper Falls Mining Company: *And provided further*,

Proviso.

That said company shall at all times be subject to such general laws as are now in force or may hereafter be passed, in reference to

the commencement and prosecution of suits, and the service of legal process against corporations."

Sec. 3. The said company shall not be entitled to any of the benefits or provisions of this act, unless, within six months after its passage, the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Certificate of acceptance; where filed.

Approved June 28, 1851.

[No. 190.]

AN ACT to amend section two of an act entitled an act to incorporate the North American Mining Company of Detroit, approved March 30, 1848.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act to incorporate the North American mining company of Detroit, approved March thirtieth, eighteen hundred and forty-eight be and the same is hereby amended by striking out in the third line thereof the words "one hundred," and substituting the word "thirty," so that said section shall read:

Sec. 2 of act No. 129 of 1848 amended.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Capital stock.

Sec. 2. The said company shall at all times be subject to such general laws as are now in force or may hereafter be passed in reference to the commencement and prosecution of suits and the service of legal process against corporations.

Subject to general laws.

Sec. 3. The said company shall not be entitled to any of the benefits or provisions of this act, unless within six months after its passage the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Certificate of acceptance; where filed.

Approved June 23, 1851.

[No. 191.]

AN ACT supplementary to an act entitled "an act to incorporate the New England Mining Company," and to change the name of said company to that of the New England Iron Company.

Title of act
No. 167 of
1848 am-
ended.

Section 1. *The People of the State of Michigan enact, That the title of an act entitled "an act to incorporate the New England Mining Company," approved April 1, 1848, be amended by striking out "Mining," and inserting in lieu thereof "Iron;" so that said title will be as follows: "An act to incorporate the New England Iron company."*

Sec. 1 a-
mended.

Sec. 2. Section one of said act is hereby amended, by striking out the word "mining," and inserting in lieu thereof "iron;" so that said section as amended will be as follows:

Incorporation.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Garwood T. Sheldon, J. P. C. Emmons, of Michigan, and Amos Thompson of Boston, and others who shall become associated with them, are hereby constituted a body corporate by the name of the New England Iron company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the State of Michigan.*"

Sec. 2 a-
mended.

Sec. 3. Section two of said act is hereby amended by striking out the words "one hundred," and inserting in lieu thereof, "thirty;" so that said section as amended will read as follows:

Capital stock, real estate, &c.

"Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the State of Michigan as shall be necessary for the exercise of its corporate franchises."

Subject to general laws

Sec. 4. Said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed in reference to the commencement and prosecution of suits, and the service of legal process against corporations.

Certificate of acceptance; where filed.

Sec. 5. The said company shall not be entitled to any of the benefits or provisions of this act, unless, within six months after its passage, the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or

the majority of its directors, to be filed in the office of the Secretary of State.

Approved June 28, 1851.

[No. 192.]

AN ACT to amend section three of an act entitled an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper or silver ores.

Section 1. *The People of the State of Michigan enact*, That section three of the act entitled "an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper or silver ores," approved April eighth, eighteen hundred and fifty-one, be amended so that the section as amended will read:

"Sec. 3. The stock, property and business of such corporation shall be managed by not less than three nor more than nine directors, who shall each be stockholders in such corporation, and citizens of the United States, and one-third of whom shall be citizens of this State, who shall, except for the first year, be annually elected by the stockholders at the business office of said corporation, at such time as the by-laws of said corporation shall provide; and public notice of the time and place of holding such election shall be published not less than thirty days previous thereto, in some newspaper printed in the city of Detroit; and the election shall be made by the stockholders that shall attend such meeting, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he holds shares of stock in such corporation; and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors, it shall be filled in such manner as the by-laws of such corporation may provide."

Sec. 2. This act shall take effect immediately.

Approved June 29, 1851.

[No. 193.]

AN ACT to repeal an act entitled an act to amend sections one, three, four, six, thirteen, seventeen and nineteen of an act entitled an act to incorporate the St. Mary's Canal company, approved March 17, 1847, approved April 8, 1851.

Section 1. *The People of the State of Michigan enact*, That an act

entitled an act to amend sections one, three, four, six, thirteen, seventeen and nineteen, of an act entitled "an act to incorporate the St. Mary's Canal company, approved March seventeenth, one thousand eight hundred and forty-seven," approved April eighth, one thousand eight hundred and fifty-one, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 194.]

AN ACT to amend sections one and two of, and supplementary to, an act to incorporate the Medora Mining company, approved March 28, 1848, and to change the name of said company to that of the Agate Harbor Mining company.

Sec. 1 and 2
of act No.
196 of 1848
amended.

Section 1. *The People of the State of Michigan enact, That* sections one and two of an act to incorporate the Medora Mining company, be so amended as to read as follows:

Name changed to Agate Harbor mining company.

"Section 1. *The People of the State of Michigan enact, That* George C. Bates, Orville B. Dibble and Chauncey Bush, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Agate Harbor Mining company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan.

Capital stock, real estate, &c.

"Sec. 2. The said company shall have corporate succession, and its capital stock shall be two hundred thousand dollars, divided into shares of twenty-five dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Subject to general laws

Sec. 2. The said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed, in reference to the commencement and prosecution of suits, and the service of legal process against corporations.

Certificate of acceptance; where filed.

Sec. 3. Said company shall not be entitled to any of the benefits of this act, unless within six months after the passage of this act, a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of

LAWS OF MICHIGAN.

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the State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Approved June 28, 1851.

[No. 195.]

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and fifty-one.

Section 1. *The People of the State of Michigan enact*, That the following sums be and the same are hereby appropriated out of the general fund to defray certain expenses authorized for the year eighteen hundred and fifty-one:

To Oliver W. Moore, Secretary of the Senate, for compiling and preparing, for publication, making indexes and superintending the publication of the Senate journal and documents of the present legislature, at its last session, two hundred dollars, and for the present session fifty dollars, to be paid on the certificate of the Secretary of State, that the work has been correctly done; to Horace S. Roberts, clerk of the Senate, the sum of six cents per folio for making a fair copy of the journals of the Senate of the last and present session of the legislature, to be paid on the certificate of the Secretary of State, (who shall certify the number of folios,) that the work has been correctly done, and deposited in his office; to the post master at Lansing, such sum as may be due him for postage of officers and members of the Senate and House of Representatives, for the last and present session, under the act relative to postage, passed February thirteenth, eighteen hundred and fifty-one, to be paid by the State Treasurer, on presentation of his account, duly verified by affidavit; that there be appropriated for the contingent fund, the sum not exceeding six thousand dollars, out of which the Governor's private secretary, if retained, or another employed, shall be paid, payable to the order of the Governor; for building fire-proof kitchen for State prison, a sum not exceeding five hundred dollars; to Harmon, Brodhead & Co., fifteen dollars for publishing time of holding circuit courts; to A. S. Bagg, fifty dollars for stationery furnished Secretary of the Senate and Clerk of the House of Representatives, and enrolling clerks of both houses, for engrossing and enrolling and preparing for publica-

ow Moore.

H. S. Roberts.

Postmaster.

Contingent fund.

State Prison

Harmon, Brodhead & Co.

A. A. Bagg.

tion the journals and documents of the last and present session of the legislature; to C. A. Hedges fifty-eight dollars and forty cents, for stationery furnished committee of supplies for use of the officers and committees of the Senate; to Jas. A. Bascom, eighteen dollars and fifty-five cents, for stationery furnished committee of supplies for use as aforesaid; to S. W. Wright & Co., nine dollars and nine cents, for stationery furnished committee of supplies for use as aforesaid; to B. F. Bush, for stationery furnished as aforesaid, thirty-six dollars and seventy-seven cents; to J. B. Clark, for stationery furnished as aforesaid, forty-nine dollars and ninety-one cents; to H. Gibbs, for repairs and work for Senate Chamber, twelve dollars; to W. W. Upton, for stationery furnished President of the Senate, five dollars and twenty-five cents; to Ezra Willis, for making paste, three dollars; to the Postmaster, post master at Lansing, five dollars, for postage on reported debates of the Senate; to S. W. Wright & Co., for stationery furnished Senate, three dollars and eighty-eight cents; to the State Librarian, to purchase a set of meteorological instruments for the State Library, and freight on the same, fifty dollars; to E. R. Sanford, one dollar, for paste furnished the Senate; to David McClure, for sundries, eighty-eight cents; to R. W. Ingals, for printing circulars for House, and yeas and nays for House and Senate, twenty-seven dollars and fifty-cents; to R. W. Ingals, for mailing journals to newspapers, sixty dollars; to Horace S. Roberts, clerk of the Senate, for necessary enrolling after the adjournment of the last and present sessions of the legislature, and such assistance as may be required, such sums as may be certified to by the President of the Senate to the State Treasurer; to O. W. Moore, for filing and regulating the papers of his office, after the adjournment of the legislature at its last session, thirty dollars; for repairs upon the State prison, three hundred dollars. There is also appropriated out of the general fund, such sums as may be necessary to pay warrants that may be drawn by the Auditor General upon claims allowed by the board of State Auditors, or upon warrants drawn by said board. The sum of twelve dollars each to the reporters of the Senate and House of Representatives for traveling fees; to the widow of E. J. Roberts, sixty dollars, it being the amount which would have been

C. A. Hedges.

J. A. Bascom.

S. W. Wright & Co.

B. F. Bush.

J. B. Clark.

H. Gibbs.

W. W. Upton.

E. Willis.

Postmaster.

S. W. Wright & Co.

State Librarian.

E. R. Sanford.

D. McClure.

R. W. Ingals.

R. W. Ingals.

H. S. Roberts.

O. W. Moore.

State prison.

Reporters.

Mrs. E. J. Roberts.

due him for services at this session of the legislature; to C. A. C. A. Hedges, for stationery furnished the House of Representatives,

; to H. S. Roberts, for four days services as Clerk *pro tempore* of the House, and four days in closing up the business thereof, twenty-four dollars.

Sec. 2. To D. P. Bushnell, Clerk of the House of Representatives, for making indexes to and superintending the publication of the House journals and documents of the last and present session of this Legislature, and for closing up the business of his office after the close of said sessions, two hundred and eighty dollars, to be paid on the certificate of the Secretary of State that the work has been correctly done.

Sec. 3. To D. P. Bushnell, Clerk of the House of Representatives, the sum of six cents per folio for making a fair copy of the journals of the House of Representatives at the last session of the Legislature, to be paid upon the certificate of the Secretary of State, (who shall certify the number of folios,) that the work has been correctly done and deposited in his office.

Sec. 4. To John F. Stewart, Assistant Enrolling Clerk, for enrolling after the adjournment of the last session of the Legislature, and such assistants as may have been required, such sums as may be certified to by the Speaker of the House to the State Treasurer.

Sec. 5. To W. W. Phelps, Enrolling Clerk of the House, for enrolling after the adjournment of the present session of the Legislature, and such assistants as may be required, such sums as may be certified by the Speaker of the House to the State Treasurer.

Sec. 6. To the Postmaster at Lansing, such sums as may be due him for postage on reported debates of the House of Representatives at the last and present sessions of the Legislature; such sums to be paid by the State Treasurer on presentation of his account duly verified by affidavit.

Sec. 7. To O. C. Wiswell, for a large map of the State, furnished to the House of Representatives, fifteen dollars.

Sec. 8. To chairman of printing committee, to pay expense incurred in making index to legislative manual, six dollars.

Sec. 9. To Edwin H. Brown, for services as sergeant-at arms *pro tempore*, six dollars; to N. B. Jones, for paste furnished to the House of Representatives at last session, five dollars.

For repairs in Detroit. Sec. 10. For repairs of Supreme Court room in the city of Detroit, a sum not exceeding one hundred dollars.

Sec. 11. For repairing drain leading from Supreme Court room, in the city of Detroit, to one of the sewers in said city, a sum not exceeding one hundred dollars, to be expended under direction of the Quarter Master General.

**F. Hall.
D. Ball.
W. L. Coffinbury.
J. Penny.** Sec. 12. For services as witnesses before the select committee appointed upon the subject of the Grand Rapids canal, as follows: to Frederick Hall, of Ionia, twenty-four dollars; to Daniel Ball, of Grand Rapids, thirty dollars; to W. L. Coffinbury, of Grand Rapids, thirty dollars; to Joseph Penny, of Grand Rapids, thirty dollars.

J. G. Thurber. Sec. 13. To Jefferson G. Thurber, as Speaker of the House, for examining bills after the close of the last session, under a resolution of the House, nine dollars; to Jefferson G. Thurber, as Speaker, three dollars per day for such time as may be required in examining bills after the close of the present session, to be certified by the clerk.

**SW Wright & Co.
J. A. Bascom.
W. W. Phelps.
J. Sweet.
A. Allen.
D. Mitchell.
H H Dunks.
J. C. Williams.
E. Willis.
H. Gibbs.
D. W. Buck.
E. Willis.** Sec. 14. To S. W. Wright & Co., for stationery furnished House of Representatives, sixty-eight dollars and sixty-four cents; to James A. Bascom, for sundries furnished House of Representatives, four dollars; to W. W. Phelps, for stationery furnished House of Representatives, three dollars and sixty-seven cents; to Jonathan Sweet, for making steps, two dollars; to Austin Allen, for sundries, two dollars; to Dexter Mitchell, sundries furnished for House of Representatives, eleven dollars and seventy-five cents; to H. H. Dunks, for repairing tables for House of Representatives, four dollars and nine cents; to John C. Williams, for repairs to House, fifteen dollars and seventy-five cents; to Ezra Willis, for cleaning the Hall of the House of Representatives, three dollars; to H. Gibbs, for work and repairs on tables, one dollar; to D. W. Buck, for tables for House of Representatives, thirteen dollars; to Ezra Willis, for cleaning the Hall of the House of Representatives, two dollars.

**A. S. Bagg.
F. B. Clark.
F. S. Simmons.** Sec. 15. To A. S. Bagg, for stationery furnished the House of Representatives, eighty-eight dollars and seven cents; to F. B. Clark, for stationery for House of Representatives, fourteen dollars and twenty-three cents; to F. S. Simmons, for bell-mettle pens, four dol-

lars; to L. Post, for pails for House of Representatives, one dollar; L. Post.
to H. Gibbs, for putting locks on tables, five dollars and twenty-five H. Gibbs.
cents; to C. Matthews, for cleaning the Hall of the House of Repre- C Matthews
sentatives, two dollars; To S. W. Wright & Co., for sundries for S.W.Wright
House of Representatives, one dollar and eighty-four cents; to S. W. & Co.
Wright & Co., for stationery furnished House of Representatives,
twenty dollars and forty cents; to James A. Bascom, for stationery J. A. Bas-
for House, five dollars and sixty-two cents; to C. A. Hedges, for sta- C. A. Hedges
tionery for House, forty-nine dollars and fifty-five cents; to E. Elli- E. Elliott.
ott, for candles and candlesticks, six dollars and thirteen cents.

Sec. 16. To S. W. Wright & Co., for paper for House of Repre- S.W.Wright
sentatives, eighty-four cents; to D. P. Bushnell, for postage paid by D. P. Bush-
him, two dollars; to D. P. Bushnell, for stationery for indexing nell.
journal and documents, twenty-five dollars; to S. W. Wright & Co., S.W.Wright
for stationery for House of Representatives, one dollar; to C. A. & Co.
Hedges, for stationery furnished House of Representatives, eight dol- C. A. Hedges.
lars and twenty-five cents; to James A. Bascom, for candles and J. A. Bas-
candlesticks furnished House of Representatives, six dollars and com.
eighty-two cents; to Alfred Johnson, for sundries furnished the A. Johnson.
House of Representatives, one dollar and sixty-three cents; to W. W. W.
W. Phelps, the sum of six cents per folio for making a fair copy of Phelps.
the journal of the House of the present session of the Legislature, to
be paid on the certificate of the Secretary of State, (who shall cer-
tify the number of folios,) that the work has been correctly done and
deposited in his office; to James A. Bascom, for stationery furnished J. A. Bas-
House of Representatives, thirty-seven cents. com.

Sec. 17. This act shall take effect immediately.

Approved June 28, 1851.

[No. 19.]

JOINT RESOLUTION relative to enrolled bills and resolutions
which may not be reported before the final adjournment of the
legislature.

*Resolved by the Senate and House of Representatives of the State of
Michigan, That it shall be competent and it shall be the duty of the
presiding officer of each House, with the aid [and] assistance of the
Secretary, Clerk, and enrolling Clerk of each House, to cause to be*

enrolled, signed and transmitted to the Governor, any bills or resolutions which may have been passed by both Houses and remain not enrolled and reported at the hour of the final adjournment of the legislature: *Provided*, Such bills or resolutions shall be so transmitted within two days after such adjournment, and a statement thereof entered on the journal of the proper House.

This joint resolution shall take effect immediately.

Approved June 28, 1851.

APPENDIX.

APPENDIX.

Annual Report of the State Treasurer.

STATE TREASURER'S OFFICE,
Lansing, Dec. 1, 1850. }

To the Legislature of the State of Michigan :

In accordance with the provisions of law, I beg leave to submit herewith statements exhibiting the condition of the several funds for the fiscal year ending Nov. 30th, 1850.

The balance in the treasury is thirty-six thousand and fifty-seven dollars eighty-five cents, (\$36,057 85.)

During the past fiscal year all demands upon the general fund have been promptly met, with the exception of about \$5,000, which was due to members and officers of the constitutional convention when it adjourned, nearly all of which has been since paid. Funds were also provided to pay all the interest on the adjusted portion of our State debt which became due on the 1st July last, and have been thus applied, except in those cases where the holders of the coupons have not presented them.

The interest due on the coming 1st January on our State bonds amounts to \$20,394 77, for which funds are provided and will be paid at that time.

I also submit herewith a statement of the amount and character of the bonds filed in this office by different banks in this State, as security for circulating bank notes countersigned by the State Treasurer.

B. C. WHITEMORE,

State Treasurer.

APPENDIX.

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DR.

CR.

INTERNAL IMPROVEMENT FUND.

To bal. Nov. 30, '49, \$251,213 38	By receipts during the	
do warrants paid during the fiscal year,	fiscal year,	\$140,358 38
221,901 86	do amt. transferred	
	from gen. fund,	29,908 75
	do do St. builn. do	8,095 00
	do bal. Nov. 30, '50, 294,753 11	
<u>\$473,115 24</u>		<u>\$473,115 24</u>

PRIMARY SCHOOL FUND.

To bal. Nov. 30, '50, \$197,711 96	By bal. Nov. 30, '49, \$175,250 06	
	do receipts during	
	the fiscal year,	22,461 90
<u>\$197,711 96</u>		<u>\$197,711 96</u>

UNIVERSITY FUND.

To am't transferred to	By bal. Nov. 30, '49, \$101,192 38	
general fund, \$100,000 00	do receipts during fis-	
do bal. Nov. 30, '50, 11,073 77	cal year,	9,881 39
<u>\$111,073 77</u>		<u>\$111,073 77</u>

PRIMARY SCHOOL INTEREST FUND.

To warrants paid during fiscal year, \$43,921 47	By bal. Nov. 30, '49, \$11,282 24	
do bal. Nov. 30, '50, 14,407 18	do am't transferred	
	from general fund, 13,018 10	
	do rec'pts during the	
	fiscal year,	34,028 31
<u>\$58,328 65</u>		<u>\$58,328 65</u>

UNIVERSITY INTEREST FUND.

To bal. Nov. 30, '49, \$1,507 17	By rec'pts during the	
do warrants paid during fiscal year, 12,817 11	fiscal year,	\$10,473 31
	do am't transferred	
	from general fund, 1,816 49	
	do bal. Nov. 30, '50, 2,034 48	
<u>\$14,324 28</u>		<u>\$14,324 28</u>

APPENDIX.

DR.		CONTINGENT FUND.		CR.	
To warrants paid during the fiscal year,	\$ 572 24	By bal. Nov. 30, '49,		7 72	
do bal. Nov. 30, '50,	1,435 48	do am't transferred from general fund,		2,000 00	
	<u>\$2,007 72</u>			<u>\$2,007 72</u>	
MICHIGAN CENTRAL RAILROAD CO. DEPOSITS.					
To warrants paid during the fiscal year,	\$ 415 24	By bal. Nov. 30, '49,	\$2,550 51		
do bal. Nov. 30, '50,	2,659 77	do rec'pts during the fiscal year,		524 50	
	<u>\$3,075 01</u>			<u>\$3,075 01</u>	
STATE BUILDING FUND.					
To bal. Nov. 30, '49	1,886 88	By rec'pts during the fiscal year,		3,165 15	
do warrants paid during the fiscal year,	532 07	do bal. Nov. 30, '50,		7,348 80	
do amt. transferred to int. imp. fund,	8,093 00				
	<u>\$10,513 95</u>			<u>\$10,513 95</u>	
TREASURY NOTES.					
To amt. paid out for treasury notes burned,	42 00	By bal. Nov. 30, '50,		941 00	
do bal. Nov. 30, '50,	899 00				
	<u>\$941 00</u>			<u>\$941 00</u>	
ASYLUM FUND.					
To warrants paid during the fiscal year,	544 53	By rec'pts during the fiscal year,		661 14	
do bal. Nov. 30, '50,	116 61				
	<u>\$661 14</u>			<u>\$661 14</u>	
NORMAL SCHOOL ENDOWMENT FUND.					
To warrants paid during the fiscal year,	611 60	By receipts during the fiscal year,		2,150 00	
do bal. Nov. 30, '50,	1,679 70	do amt. transferred f'm normal sch'l int. fund,		141 30	
	<u>\$2,291 30</u>			<u>\$2,291 30</u>	

APPENDIX.

CR.		DR.	
NORMAL SCHOOL INTEREST FUND.			
To amt. transferred to normal sch'l end. fund,	141 30	By receipts during the fiscal year,	15 26
do warrants paid during the fiscal year,	221 77	do amt. transfer'd from general fund,	8 44
		do bal. Nov. 30, '50,	339 37
	<u>\$363 07</u>		<u>\$363 07</u>

STATEMENT, showing the amount and character of the Bonds filed in this office by the several Banks below named, as security for redemption of circulating bank notes, countersigned by State Treasurer.

	Amount Stock.	Total Amount.
<i>Michigan Insurance Company Bank.</i>		
Michigan Penitentiary Bonds,	39,000 00	
do Adjusted do	74,177 61	
do Internal Imp. do	11,550 00	
		<u>124,727 61</u>
<i>Peninsular Bank.</i>		
Michigan Int. Imp. warrant Bonds,	40,900 00	
do Adjusted do	38,433 37	
Detroit and Pontiac R. R. do	3,000 00	
United States (loan of 1848) do	10,000 00	
		<u>92,333 37</u>
<i>Government Stock Bank.</i>		
United States 5 per cent. Bonds,		61,000 00
<i>Farmer's and Mechanic's Bank.</i>		
Michigan Adjusted Bonds,	46,501 70	
do Int. Imp. warrant Bonds,	3,500 00	
		<u>50,001 70</u>
Whole total,		<u>\$328,062 68</u>

AN ACT to enable the State of Arkansas and other States to reclaim the "Swamp Lands" within their limits.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That to enable the State of Arkansas to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be and the same are hereby granted to said State.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas; and at the request of said Governor, cause a patent to be issued to the State therefor; and on that patent the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the legislature thereof: *Provided, however* That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands, by means of the levees and drains aforesaid.

Sec. 3. *And be it further enacted,* That, in making out a list and plats of the land aforesaid, all legal sub-divisions, the greater part of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of a sub-division is not of that character, the whole of it shall be excluded therefrom.

Sec. 4. *And be it further enacted,* That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated.

Approved September 28, 1850.

LIST OF ACTS

PASSED BY THE LEGISLATURE OF 1851.

No.	Title.	Page
1.	An act to extend the time for the collection of taxes in the township of Jackson, in the county of Jackson, approved February 8, 1851,	1
2.	An act to extend the time for the collection of taxes in township of Niles, in the county of Berrien, approved February 8, 1851,	2
3.	An act to extend the time for the collection of taxes for the year eighteen hundred and fifty, in the township of St. Clair, in the county of St. Clair, approved February 10, 1851,	3
4.	An act to extend the time for the collection of taxes in the city of Detroit, for the year eighteen hundred and fifty, approved February 12, 1851,	3
5.	An act relative to postage, approved February 13, 1851,	4
6.	An act to provide for the better security of public records, approved February 19, 1851,	6
7.	An act to provide for holding terms of the circuit court in the county of Sanilac, approved February 20, 1851,	5
8.	An act to provide for the collection of taxes in the county of Kent, approved February 20, 1851,	6
9.	An act to authorize the assessment of certain taxes in the township of Ransom, county of Hillsdale, approved February 22, 1851,	8
10.	An act to authorize the assessment of certain taxes in the township of Baltimore, in the county of Barry, approved February 22, 1851,	8
11.	An act authorizing the board of State auditors to examine and settle the claim of the Detroit and Birmingham plank road company, approved March 3, 1851,	9

No.	Title	Page
12.	An act to amend an act entitled an act authorizing Sandy McLeod to build a dam across the Cheboygan river, in the county of Cheboygan, approved March 3, 1851,	9
13.	An act to repeal an act entitled an act to provide for statistical information, approved April 3, 1848; approved March 8, 1851,	10
14.	An act to amend an act to incorporate the Genesee county plank road company, approved March 8, 1851,	10
15.	An act to repeal an act to prevent the circulation of foreign notes, approved April 3, 1848; approved March 8, 1851,	11
16.	An act authorizing the board of State auditors to examine and settle the claim of Nancy J. Gould, administratrix upon the estate of Austin M. Gould, deceased, approved March 8, 1851,	11
17.	An act supplementary to an act entitled an act to incorporate the Jackson and Michigan Plank Road Company, approved April 3, 1848; approved March 8, 1851,	12
18.	An act to amend sections one and two of act No. 96, entitled an act to authorize the building of a certain dam therein named, approved March 31, 1840; approved March 8, 1851,	13
19.	An act to amend section one of act No. 109, entitled an act to incorporate the Marshall and Ionia Plank Road Company, approved March 20, 1850; approved March 8, 1851,	14
20.	An act to amend sections one and three of an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 3, 1848, and to amend section one of an act to amend an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 2, 1850; approved March 8, 1851,	15
21.	An act to provide for the organization of certain townships in the county of Tuscola, approved March 8, 1851,	17
22.	An act to amend sections two and three of an act entitled an act to incorporate the Copper Falls Mining Company, approved March 15, 1848; approved March 8, 1851,	17
23.	An act to amend section two of an act entitled an act to incorporate the Portland and Lansing Plank Road Company, approved March 8, 1851,	18
24.	An act to amend sections 1, 5 and 8 of an act to incorporate the city of Detroit Gas Company, and to change the title of said company to that of the Detroit Gas Light Company, approved March 8, 1851,	19

LIST OF ACTS.

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No.	Title.	Page.
25.	A act to provide for the election of circuit judges and regents of the university, approved March 10, 1851,	20
26.	An act to provide for the discharge of the duties heretofore performed by masters in chancery, approved March 10, 1851,	23
27.	An act to authorize the Auditor General to issue certain land warrants, approved March 11, 1851,	25
28.	An act to amend an act entitled an act to incorporate the Algonquin Mining Company, approved March 30, 1848, approved March 11, 1851,	26
29.	An act to amend an act entitled an act to incorporate the Siskowit Mining Company of Michigan, approved March 12, 1849, approved March 11, 1851,	27
30.	An act to amend an act entitled an act to incorporate the Bohemian mining company, approved March 27, 1848, approved March 11, 1851,	29
31.	An act to repeal an act to incorporate the village of St. Mary, approved April 2, 1849, approved March 11, 1851,	30
32.	An act to provide for the assessment and collection of taxes in the township of Lansing, Ingham county, approved March 14, 1851,	31
33.	An act to amend section two of an act entitled an act amending an act relative to plank roads, approved March 19, 1849, approved March 14, 1851,	32
34.	An act for the relief of certain purchasers of university and primary school lands, approved March 14, 1851,	32
35.	An act to authorize the assessment of certain taxes in the township of Almont, county of Lapeer, approved March 14, 1851,	33
36.	An act to organize the township of Heath, in the county of Allegan, and the township of Austin, in the county of Sanilac, approved March 18, 1851,	34
37.	An act to amend an act to incorporate the Detroit and Erin plank road company, approved April 3, 1848; approved March 18, 1851,	34
38.	An act supplementary to an act to incorporate the Detroit and Saline plank road company, approved March 23, 1848, approved March 18, 1851,	35
39.	An act to authorize the transfer of a certain record from Berrien county to Cass county, approved March 19, 1851,	35
40.	An act to amend sections three and four of an act entitled an act to incorporate the National mining company, approved March 19, 1851,	36
41.	An act to provide for the payment of the members and officers of the legislature, approved March 21, 1851,	37

No.	Title.	Page.
42.	An act to amend an act entitled an act to create a road fund for the benefit of the German colonists in Saginaw county, and to authorize the appointment of commissioners to expend the same, approved March 31, 1849, approved March 21, 1851,	38
43.	An act to provide for the issuing of a patent to Chauncey G. Pope and Thomas L. Pope, for certain land, approved March 21, 1851,	41
44.	An act supplementary to acts incorporating the city of Detroit, approved March 21, 1851,	41
45.	An act to change the boundary between the townships of Palmyra and Ogden, in the county of Lenawée, approved March 21, 1851.	42
46.	An act authorizing the Auditor General to publish certain tax sales in the Barry County Pioneer, approved March 21, 1851,	43
47.	An act for the relief of the several school districts in the township of Concord, county of Jackson, approved March 22, 1851,	43
48.	An act to amend section three, chapter one hundred and thirty, title twenty-four of the revised statutes, relative to the foreclosure of mortgages by advertisement, approved March 22, 1851,	44
49.	An act supplemental to an act to incorporate the Niles hydraulic and manufacturing company, and to amend sections one, six, eight, ten, eleven and thirteen of said act, also to change the title to that of the Niles hydraulic company, approved March 22, 1851,	45
50.	An act to amend section two of an act entitled an act to incorporate the Phoenix copper company, approved March 31, 1849, approved March 22, 1851,	53
51.	An act to amend section three of an act entitled an act to incorporate the Albion mining company, approved March 27, 1848; approved March 22, 1851,	54
52.	An act to amend section two of an act entitled an act to incorporate the New York and Michigan mining company of Detroit, approved March 30, 1848; approved March 22, 1851,	55
53.	An act to amend section fifty-eight of an act entitled an act to incorporate the city of Grand Rapids, approved April 2, 1850; approved March 24, 1851,	56
54.	An act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March 30, 1849; approved March 24, 1851,	57

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e.	Title.	Page.
✓ 55.	An act to amend section one of an act entitled an act to attach the county of Huron to Sanilac, for legislative and other purposes, approved April 1, 1859; approved March 26, 1851,	58
56.	An act to amend section three of an act entitled an act to incorporate the Oakland and Ottawa Railroad company, approved April 3, 1848; approved March 26, 1851,	58
57.	An act to amend an act entitled an act to construct dams and improve the navigation of certain rivers, approved March 24, 1836; approved March 26, 1851,	60
58.	An act to amend section 1 of an act to incorporate the Howell and Byron plank road company, approved March 25, 1850, and to extend the time for opening books for the subscription of stock to the same, approved March 26, 1851,	60
59.	An act to authorize the formation of telegraph companies, approved March 26, 1851,	61
60.	An act directing the publication of a statement of lands to be sold in Cass county, 1851, approved March 31, 1851,	67
61.	An act to amend sections 33, 34 and 35, chapter 79 of the revised statutes, relative to the sale of real estate on execution, approved March 31, 1851,	68
62.	An act to provide for the construction of a bridge across Grand River, in the village of Jackson, approved March 31, 1851,	69
63.	An act to establish a circuit court in the county of Montcalm, approved March 31, 1851,	70
64.	An act to amend section 6 of chapter 84, title 20 of the revised statutes, relative to divorce, approved March 31, 1851,	71
65.	An act to amend section 3 of an act entitled an act to amend an act to incorporate the Indiana and Adrian plank road company, approved April 3, 1850; approved March 31, 1851,	72
66.	An act to amend sections 1 and 3 of an act entitled an act to authorize F. G. Hubinger and A. Cramer to erect and maintain a dam across the Cass river, in the county of Saginaw, approved March 20, 1848; approved March 31, 1851,	72
67.	An act to amend section 1 of an act entitled an act for the relief of Thomas N. Bartlett, approved April 20, 1850; approved March 31, 1851,	73
68.	An act to amend an act to incorporate the Peninsular Mutual Fire and Marine Insurance company, approved March 12, 1844; approved March 31, 1851,	74

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69.	An act to amend section 2 of an act to incorporate the Flint and Fentonville plank road company, approved April 3, 1848; approved April 2, 1851,	75
70.	An act to organize the township of Cheshire, in the county of Allegan, approved April 2, 1851,	76
71.	An act to legalize the conveyance by the board of supervisors of Hillsdale county, of a portion of the public square in the village of Jonesville, to E. P. Champ- lin, approved April 2, 1851,	76
72.	An act relative to land sales in Ottawa county, approved April 2, 1851,	77
73.	An act to change the names of Eliza J. Robson, and Catharine Robson; approved April 2, 1851,	77
74.	An act to amend section 7, chapter 58, title 11 of the revised statutes of 1846, in relation to primary schools, approved April 2, 1851,	77
75.	An act to amend section 1 of an act entitled an act in aid of the Michigan State Agricultural Society, approved March 31, 1849; approved April 2, 1851,	78
76.	An act to amend sections 25 and 26 of chapter 123, title 24 of the revised statutes of 1846, concerning proceedings to recover the possession of lands in certain cases, approved April 2, 1851,	79
77.	An act to authorize the treasurer of the township of Ridgeway, Lenawee county, to collect certain taxes, approved April 2, 1851,	80
78.	An act to amend an act to incorporate the Mount Clemens and Romeo plank road company, approved April 2, 1851,	81
79.	An act to provide for auditing and paying the expenses of the constitutional convention, approved April 4, 1851,	82
80.	An act to authorize and direct the Secretary of State to execute by deed a conveyance of a certain tract of land to Robert B McKay, approved April 4, 1851,	83
81.	An act to amend sections 1 and 2 of an act entitled an act to incorporate the Pioneer smelting company of the upper peninsula of Michigan, approved March 10, 1847; approved April 4, 1851,	83
82.	An act to amend chapter 60, title 12 of the revised statutes, approved April 4, 1851,	84
83.	An act to authorize the incorporation of bridge companies, approved April 4, 1851,	85
84.	An act to establish the township line between the townships of Clinton and Harrison, in the county of Macomb, approved April 4, 1851,	90

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85.	An act to regulate proceedings in attachment against foreign corporations in certain cases, approved April 4, 1851,	91
86.	An act authorizing the board of State auditors to examine and settle the claim of Eneas Daly, approved April 4, 1851,	91
87.	An act to authorize the re-apportionment of certain primary school interest moneys in the county of Branch, approved April 4, 1851,	92
88.	An act for the relief of Peter Patterson, approved April 4, 1851,	93
89.	An act relative to reports of the decisions of the supreme court, approved April 4, 1851,	93
90.	An act to incorporate the village of Mt. Clemens, approved April 4, 1851,	94
91.	An act to amend section 2 of an act to incorporate the Monroe and Saline plank road company, approved April 3, 1848; Approved April 4, 1851,	102
92.	An act to amend sections four, five, six and eleven, and to repeal section seventeen of an act entitled an act to incorporate the Cotton Wood swamp turnpike company, approved March ninth, one thousand eight hundred and forty-four; approved April 4, 1851,	102
93.	An act to provide for the organization and powers of the supreme court, approved April 4, 1851,	106
94.	An act to amend the second and fourth sections of an act to incorporate the Erin and Mount Clemens plank road company, approved March twentieth, one thousand eight hundred and fifty; approved April 4, 1851,	112
95.	An act to amend section twenty-two of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, in reference to subscriptions of stock, approved April 4, 1851,	113
96.	An act supplemental to an act to incorporate the Plymouth and Dearborn plank road company, approved March twentieth, eighteen hundred and fifty; approved April 4, 1851,	113
97.	An act to cede jurisdiction to the United States over land to be occupied as a site of light house buildings in this State, approved April 4, 1851,	114
98.	An act supplementary to an act entitled an act to incorporate the Grand Rapids and Plainfield plank road company, approved March 20, 1850, approved April 4, 1851,	114
99.	An act prescribing the duties of the Superintendent of Public Instruction, and to repeal chapter fifty-six of the revised statutes of 1846, and to amend said chap. 56, approved March twenty-ninth, one thousand eight hundred and fifty, approved April 4, 1851,	116

No.	Title.	Page.
100.	An act to amend an act entitled an act to incorporate the village of Battle Creek, approved April 2, 1850; approved April 4, 1851,	118
101.	An act to incorporate the city of Ann Arbor, approved April 4, 1851,	121
102.	An act to amend section five of an act entitled an act to amend an act to provide for the draining of swamps, marshes and other low lands, approved April third, eighteen hundred and forty-eight, and supplementary to said act, approved April 4, 1851,	138
103.	An act to amend section thirteen of chapter eighty-one of the revised statutes of 1846, respecting chattel mortgages, approved April 4, 1851,	141
104.	An act authorizing the board of State auditors to examine and settle claims against the State for the translation and publication of the Governor's message for the years 1850 and 1851, approved April 7, 1851.	142
105.	An act to perfect the organization of the county of Marquette, in the upper peninsula, and to attach the county of Schoolcraft thereto for judicial purposes, approved April 7, 1851,	142
106.	An act to provide for a State board of equalization, approved April 7, 1851,	143
107.	An act to provide for an additional circuit court commissioner for the county of Wayne, approved April 7, 1851,	146
108.	An act to amend section three and section five of an act entitled an act to incorporate the Monroe and Dearborn plank road company, approved February 18, 1851; approved April 7, 1851,	146
109.	An act to amend section two of an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February 29, 1837; approved April 7, 1851,	147
110.	An act to authorize the board of State auditors to examine and settle the claim of Samuel W. Pitts, approved April 7, 1851,	148
111.	An act to provide for correcting an error made by the treasurer of the town of Phelpsstown, in Ingham county, in making his returns to the county treasurer, approved April 7, 1851,	148
112.	An act to change the name of John Atson Atwater, approved April 7, 1851,	149
113.	An act to provide for filling vacancies that exist or may occur in certain judicial offices, approved April 7, 1851,	149
114.	An act to organize the county of Oceana, approved April 7, 1851,	150

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115.	An act to provide for publishing the annual report of the Michigan State Agricultural Society, approved April 7, 1851,	151
116.	An act to amend the second section of an act entitled an act to incorporate the Eagle Harbor Mining Company, approved March 27, 1848, approved April 7, 1851,	152
117.	An act to provide for notice of application for alterations and amendments of the charters of corporations, approved April 7, 1851,	153
118.	An act supplemental to an act entitled an act to incorporate the Walker and Vergennes Plank Road Company, approved April 1, 1850, approved April 7, 1851,	154
119.	An act to amend an act to incorporate the village of Kalamazoo, and the acts amendatory thereto, approved April 7, 1851,	156
120.	An act to provide for holding general elections in the upper peninsula, approved April 7, 1851,	156
121.	An act to provide for the election of a district judge and regent of the university in the upper peninsula, approved April 7, 1851,	157
122.	An act to provide for publishing the statistics of this State, taken by authority of the United States, in the year 1850, approved April 7, 1851.	158
123.	An act to amend an act entitled an act to incorporate the Detroit and Lake St. Clair plank road company, approved April 7, 1851,	159
124.	An act supplemental to an act entitled an act to incorporate the St. Clair plank road company, approved April 2, 1849; approved April 7, 1851,	160
125.	An act to amend chapter 114 of the revised statutes, entitled of proceedings against debtors by attachment, approved April 7, 1851,	161
126.	An act to provide for the special election of a county treasurer in the county of Wayne, approved April 7, 1851,	162
127.	An act to repeal an act to amend sections two and three of an act entitled an act to incorporate the Copper Falls mining company, approved March 15, 1848, approved March 8, 1851; approved April 7, 1851,	163
128.	An act to amend section 68 and 74 of an act to consolidate the laws in relation to county courts, and for other purposes, approved April 2, 1849, and to provide for the removal of causes from said county courts to the circuit courts, approved April 7, 1851,	164
129.	An act to provide for the re-assessment of certain taxes of 1850, in the township of Montcalm, in the county of Montcalm, approved April 7, 1851,	165
130.	An act to amend chapter 59 of revised statutes of 1846, entitled of the State land office, and the officers con-	

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	nected therewith, approved April 7, 1851,	166
131.	An act to amend section 2 of an act to amend an act to incorporate the Shelby and Detroit railroad company, approved May 4, 1846; approved April 7, 1851,	166
132.	An act to authorize the board of supervisors of the county of Shiawassee to loan money, approved April 7, 1851,	167
133.	An act authorizing certain improvements on the school section in the village of Lansing, approved April 7, 1851,	168
134.	An act to provide for supplying townships with certain books, approved April 7, 1851,	168
135.	An act to repeal chapter 36 of title 8 of the revised statutes of 1846, relative to medical societies, approved April 7, 1851,	169
136.	An act to amend section 10 of chapter 155 of title 30 of the revised statutes of 1846, relative to crimes, and the punishment thereof, approved April 7, 1851,	169
137.	An act to amend section 4 of an act entitled an act to incorporate the Port Huron and Lake Michigan railroad company, approved January 30, 1847; approved April 7, 1851,	170
138.	An act to amend chapter 12 of the revised statutes of 1846, approved April 7, 1851,	171
139.	An act to amend the charter of the Plymouth plank road company, approved April 7, 1851,	171
140.	An act to amend section 107 of chapter 58 of the revised statutes of 1846, and the acts amendatory thereto, relative to primary schools, approved April 7, 1851,	172
141.	An act to organize the county of Grand Traverse, approved April 7, 1851,	172
142.	An act to amend sections 44, 46 and 47, chapter 12 of the revised statutes of 1846, relative to the board of State auditors, approved April 7, 1851,	173
143.	An act to provide for the completion of the canal and locks around the rapids of Grand River, at Grand Rapids, approved April 7, 1851,	175
144.	An act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper or silver ores, approved April 8, 1851,	179
145.	An act to amend sections 1, 3, 4, 6, 13, 17 and 19 of an act entitled an act to incorporate the St. Mary's canal company, approved March 17, 1847; approved April 8, 1851,	189
146.	An act supplementary to an act to incorporate the Minnesota mining company, approved March 7, 1849; approved April 8, 1851,	193

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148.	An act granting to Alexander H. Bartley and his assigns, the right to keep and maintain a ferry across the St. Clair river, at the village of St. Clair, approved April 8, 1851,	202
149.	An act to amend section one of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, conferring jurisdiction upon justices of the peace, approved April 8, 1851,	204
150.	An act to amend the second section of an act entitled an act to incorporate the Douglass Houghton mining company, approved March 27, 1848; approved April 8, 1851,	204
151.	An act to provide for the government of the State University, and to repeal chapter fifty-seven of the revised statutes of 1846, approved April 8, 1851,	205
152.	An act to amend sections one, two and three of chapter ninety-five of the revised statutes of 1846, approved April 8, 1851,	209
153.	An act relating to the State Library, approved April 8, 1851,	209
154.	An act to provide for publishing the reports of the State officers for the year 1852, and every second year thereafter, approved April 8, 1851,	210
155.	An act to provide for the formation of companies to construct plank roads, approved April 8, 1851,	211
156.	An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April 8, 1851,	231
157.	An act to define the limits, jurisdiction and powers of circuit courts, approved April 8, 1851,	242

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160.	An act to provide for the payment of the accruing indebtedness of the State, approved June 23, 1851,	267

No.	Title.	Page.
161.	An act to amend section one of an act entitled an act to provide for publishing the reports of State officers for the year eighteen hundred and fifty-two and every second year thereafter, approved April 9, 1851, approved June 23, 1851,	268
162.	An act to provide for the publication of legal notices, approved June 24, 1851,	269
163.	An act to provide for letting to contract the furnishing of fuel and stationery for the use of the State, and also the State printing and binding, approved June 24, 1851,	269
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